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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 348th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 8 January 1997, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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GE.97-15033 (E)

The meeting was called to order at 3.05 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 6)

1. The CHAIRPERSON invited the representatives of the United Nations Children's Fund (UNICEF) to report on the work of that organization, with particular reference to the International Code of Marketing of Breast Milk Substitutes.

2. Ms. MILLER (United Nations Children's Fund) said that the idea of meeting the Committee had largely arisen from the new mission statement for UNICEF to the effect that it should be guided in all aspects of its work by the Covenant on the Rights of the Child. Members of the staff of the UNICEF Nutrition Section had given some thought to the ways in which their work on breast-feeding and nutrition issues related to that on the rights of the child. It was to be hoped that the discussion would prove mutually beneficial and that the Committee would be able to assist in promoting the cause of breast-feeding and the implementation of the International Code of Marketing of Breast Milk Substitutes.

3. Ms. LHOTSKA (United Nations Children's Fund) illustrating her presentation by means of transparencies, outlined the well-known benefits of breast-feeding in terms of cost, nutrition and the better health of the mother and the infant resulting inter alia from greater protection against infection. Recent research had highlighted the disadvantages of artificial breast-milk substitutes, even for infants in the industrialized countries, such as the increased risk of acute and lifelong chronic illnesses and slower mental development. The risk levels were, of course, considerably higher in the developing countries.

4. It was worth noting that, in the developed world, artificial feeding was linked to high rates of sudden infant death syndrome (SIDS) and a greater risk of infant mortality in general as well as to increased risk of cancer and anaemia among mothers. Moreover, it had been proved that there was little difference between the breast milk of well-nourished and malnourished mothers and that supplementing the mother's diet was always preferable to resorting to artificial feeding.

5. The information available clearly indicated that it was essential to create conditions for successful breast-feeding, as recognized in many international instruments, including the 1990 Innocenti Declaration on the Protection, Promotion and Support of Breast-feeding. UNICEF and the World Health Organization (WHO) were actively involved in assisting Governments to meet the four targets set in that Declaration.

6. A significant degree of success had been achieved in improving attitudes in hospitals worldwide through the Baby-friendly hospital initiative. However, changes in the health-care system would not suffice. The confidence of the mother was a key factor in the breast-feeding process and could easily be harmed by the inappropriate marketing of substitute products. Hence the

emphasis placed on protecting women from such campaigns through the implementation of the International Code of Marketing of Breast Milk Substitutes.

7. Mr. CLARK (United Nations Children's Fund) said that the UNICEF Nutrition Section had adopted a new approach to its work which focused on rights rather than needs. In connection with its work on the International Code of Marketing of Breast Milk Substitutes and through its cooperation with WHO and other agencies, it had developed expertise and tools which might prove useful in promoting the rights enshrined in the Covenant and in assisting Governments to honour their obligations thereunder. The Committee's views on that issue would be most welcome.

8. By way of background information, he said that it was the Joint WHO/UNICEF Meeting on Infant and Young Child Feeding held in 1979 which had first highlighted the need for international regulations for the marketing of breast-milk substitutes. As shown by the statement and recommendations adopted at that Meeting, the participants had recognized the benefits of breast-feeding and the responsibility of society to promote it and had also identified misinformation as one of the main obstacles to be overcome in the attainment of better health and nutrition.

9. As a result, the International Code had been adopted two years later by the Thirty-Fourth World Health Assembly. However, because the Code had been adopted in the form of a recommendation rather than a regulation, it was not binding on Governments, which were merely urged to translate it into their national legislation (art. 11.1). Furthermore, although the World Health Assembly had called upon industry to comply with the provisions of the Code (art. 11.3), experience had shown that industry was not prepared to do so in the absence of enforceable legislation.

10. The aims of the Code included the protection of the right of every child to adequate nourishment and health, it being recognized that breast-feeding afforded the best means of providing the ideal food and was an important aspect of primary health care. That right was to be protected by ensuring that breast-milk substitutes should not be marketed in the same way as other food products in order to safeguard mothers against misleading information or advertising. It was essential that parents should be made fully aware of the benefits of breast-feeding and the risks of artificial feeding before making their choice.

11. He drew attention in that connection to article 24 of the Convention, which recognized the right of the child to the enjoyment of the highest attainable standard of health and called upon States parties to take appropriate measures inter alia to combat disease and malnutrition and to create greater awareness of the advantages of breast-feeding. The framers of the Convention had clearly recognized the benefits of breast-feeding and its role in attaining the highest possible standard of health. That was thus an area in which the basic thrust of the Code and the Convention overlapped.

12. The International Code exhibited links with a number of other international instruments, including the 1990 Innocenti Declaration on the Protection, Promotion and Support of Breast-feeding, which had subsequently

been endorsed by the World Health Assembly and the UNICEF Executive Board. One of the operational targets of the Declaration had been that, by the year 1995, all Governments should have taken action to give effect to the principles and aims of all the articles of the International Code and subsequent relevant World Health Assembly resolutions in their entirety. That target had not been achieved: member States had merely been urged to implement the International Code and many had not done so.

13. At the close of the 1990 World Summit for Children, the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s had called for the empowerment of all women to breast-feed their children exclusively for four to six months and to continue breast-feeding, with complementary food, well into the second year.

14. The World Declaration and Plan of Action for Nutrition, arising out of the 1992 International Conference on Nutrition, had pledged to reduce substantially within the decade social and other impediments to optimal breast-feeding. Article 33 of the Plan of Action specified that Governments, in cooperation with all concerned parties, should prevent food-borne and water-borne diseases and other infections in infants and young children by encouraging and enabling women to breast-feed exclusively during the first four to six months of their children's lives.

15. The Platform for Action from the Fourth World Conference on Women (Beijing, 1995) had called for the promotion of public information on the benefits of breast-feeding, the implementation of the International Code, and the facilitation of breast-feeding by working women.

16. The World Health Assembly had also periodically adopted resolutions on infant and young child nutrition, calling the attention of member States to their duty to implement the International Code, and at times closing loopholes that had been revealed in the drafting of the Code. Copies of the relevant resolutions had been circulated to the members of the Committee.

17. Lastly, although the 1979 Convention on the Elimination of All Forms of Discrimination against Women had predated the joint WHO/UNICEF Meeting on Infant and Young Child Feeding, there were a few places in which it touched upon the issue of breast-feeding. Article 10, subparagraph (h), referred to access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning; while article 12, paragraph 2, required States parties to ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

18. The International Code sought to protect parents and children from false information by means of various provisions. It placed the responsibility on Governments to ensure that objective and consistent information was provided on infant and young child feeding; it prohibited the advertising of breast-milk substitutes, feeding bottles and teats, the provision of free samples to mothers, their families and health workers, the promotion of products in health-care facilities (including free and low-cost supplies), visits to mothers by company sales representatives, and the use of words or

pictures idealizing artificial feeding on the labels of products. Information provided to health workers must be scientific and factual; information on infant feeding should explain the benefits of breast-feeding and the costs and hazards associated with artificial feeding; and unsuitable products, such as sweetened condensed milk, should not be promoted for babies.

19. The Code thus attempted to halt the direct or more insidious promotion of artificial products as equivalent or superior to breast milk and the promotion of breast-milk substitutes by companies through the health-care system - a device whereby a negligible outlay on the provision of two or three days' supply of infant formula often secured a captive market over a period of six months or more.

20. As to the state of implementation of the Code throughout the world, only 18 countries had incorporated all or most of the provisions of the Code into their domestic legal systems. Factors impeding the attainment of the target of universal adoption by 1995 included the fact that many Governments simply did not see implementation as a high priority; and opposition to legislation from industry, as exemplified by successful attempts to block legislation in Guatemala and India.

21. UNICEF worked with a number of major partners in seeking to secure implementation of the Code, including WHO, the International Baby Food Action Network (IBFAN), and the Malaysia-based International Code Documentation Centre (ICDC). ICDC organized training courses for government officials, and had drafted a model law, copies of which had been circulated to the members of the Committee, to assist countries wishing to incorporate the International Code into their legal systems.

22. UNICEF could also, on request, provide direct assistance to countries in drafting legislation. It was ready and willing to work with Governments on the issue, and believed that the Committee could play a valuable role in raising the question of implementation of the International Code with individual Governments in the context of its consideration of their reports, as well as informing Governments of the technical assistance available to them in that regard.

23. The CHAIRPERSON thanked the delegation of UNICEF for its statements and invited the members of the Committee to ask supplementary questions.

24. Mr. KOLOSOV asked which countries were the main manufacturers and exporters of breast-milk substitutes. There was a growing trend in urban areas for lactating mothers to work, yet maternity leave was usually granted for a period of only two to four months, so that it was unrealistic for those mothers to continue to breast-feed beyond that period. Environmental effects also militated against continued breast-feeding. He wondered, therefore, whether it was really advisable to prohibit the advertising of officially approved breast-milk substitutes, given that mothers might then have recourse to more harmful unofficial substitutes.

25. The CHAIRPERSON suggested that UNICEF local offices might be encouraged to provide the Committee with fuller information on breast-feeding in the

various UNICEF programme countries, in order to assist it in its formulation of questions and recommendations to States parties.

26. It was important to acknowledge that some situations existed in which breast-feeding was impossible. She could confirm from her personal experience that non-governmental organizations (NGOs) tended to show more interest than Governments in implementing the International Code. She had participated in a national awareness campaign in her own country, Burkina Faso, which had revealed a significant decline in breast-feeding even in rural areas. The campaign in Burkina Faso had succeeded in increasing the time allocated to mothers for breast-feeding in the workplace from one hour to one and a half hours daily over a period of 15 months - a small victory, but one that had very significant implications for wage costs in a country with limited resources.

27. In addition to bringing domestic regulations into line with the provisions of the Code, it would perhaps be even more fruitful to look at ways of actively promoting breast-feeding through various back-up measures, such as the provision of nursery facilities in the workplace. To that end, cooperation with ministries of health and social affairs could usefully be broadened to include cooperation with ministries of labour.

28. Lastly, she had heard it asserted that there was a 50 per cent risk of a HIV-positive mother transmitting the infection to her child through breast-feeding. Could the representatives of UNICEF confirm or correct that figure?

29. Mrs. KARP asked what effect the recommendations contained in the International Code might have on the recent social tendency for fathers to play a more active role in caring for infants.

30. Mr. CLARK (United Nations Children's Fund) said that the main manufacturers of breast-milk substitutes were to be found in the United States of America, Europe and Japan. It was for that reason that implementation of the Code had been unduly delayed in those countries and areas.

31. He welcomed the references to maternity legislation by the Chairperson and Mr. Kolosov: UNICEF did not, of course, see implementation of the Code as the only way of promoting breast-feeding; maternity legislation also had a valuable role to play in that regard. The Innocenti Declaration had called on Governments to examine ways of implementing imaginative maternity-protection measures so as to create an environment in which working women could breast-feed their children if they so desired.

32. The purpose of the International Code was not to regulate the production of breast-milk substitutes or ban their availability in shops: it recognized that there was sometimes a genuine need for them. It sought rather, to reverse the trend whereby bottle-feeding, rather than breast-feeding, had come to be regarded as the norm, with serious implications for babies' health.

33. Ms. LHOTSKA (United Nations Children's Fund) said that the economic impact of milk substitutes was enormous, given the six-month minimum for that kind of feeding and the 40 half-kilo tins of the substitute that would be required. That posed an impossible financial burden, particularly in

developing countries and where a family had more than one child. Nevertheless, bottle-feeding was becoming more prevalent in both the rural and urban areas of many countries.

34. One positive aspect that had emerged was that, in some countries, a link could be seen between feeding methods and the education of the mother. In industrialized countries, the better educated she was, the more likely she was to choose to breast-feed her child. A similar trend was expected to emerge in developing countries in the future.

35. There was no reason why there should be a conflict of interest in terms of the father taking care of the child. There were many ways in which he could be involved with and bond with his child that did not necessarily have anything to do with feeding.

36. As things stood, research seemed to indicate that one in three children of an HIV-positive mother would contract the virus and that one in seven children would be infected through breast-feeding. The figure of a 50 per cent rate of infection mentioned by the Chairperson had not been verified.

37. Mr. KOLOSOV said that the Government of the Russian Federation had taken a keen interest in the Code in the context of efforts to revitalize the domestic production of milk substitutes. In Russia, every mother was given artificial milk products approximately two months after the birth of the child to supplement the milk she produced and provide additional nutrition that the mother was often unable to provide. The fact that mothers received the substitute milk free of charge explained why the State was eager to build up domestic production and reduce imports of artificial milk products.

38. Ms. LHOTSKA (United Nations Children's Fund) said that there was close cooperation with the Fund's partners in the Russian Federation. It was heartening to see that the Baby-friendly hospital initiative had been taken so seriously in Russia as part of ongoing international efforts to restore the confidence of women, including those in Central and Eastern Europe, in their ability to sustain breast-feeding for the recommended six-month period and in the quality of the milk they produced.

39. The CHAIRPERSON thanked the representatives of the United Nations Children's Fund for their answers to the questions put by members of the Committee.

The meeting was suspended at 4.25 p.m. and resumed at 4.40 p.m.

REVIEW OF DEVELOPMENTS RELEVANT TO THE WORK OF THE COMMITTEE (agenda item 5)

40. Mrs. SANTOS PAIS said that, at its fifty-first session, the United Nations General Assembly had adopted an omnibus resolution on the protection and promotion of the rights of children. It was the longest text ever adopted on one particular item in the field of human rights, had been sponsored by 130 delegations and had been adopted by acclamation. Its several chapters dealt with a variety of issues including the role of the Convention and the Committee.

41. The section on the protection of children affected by armed conflict welcomed the report of the expert of the Secretary-General on the impact of armed conflict on children - which the Committee should make every effort to follow up - and recommended the appointment of a special representative to look at the impact on children during his or her three-year mandate.

42. The resolution also looked at the question of refugees and internally displaced persons, and the sale of children and their sexual exploitation, including child prostitution and child pornography. The latter chapter, coming on the heels of the World Congress against Commercial Sexual Exploitation of Children held at Stockholm in August 1996, was particularly welcome and based its approach largely on the provisions of the Convention.

43. In its section on child labour, the resolution stressed the need for Governments to enact the legislation necessary to implement obligations under the Convention and to cooperate with the United Nations Children's Fund (UNICEF) and International Labour Organization (ILO) initiatives on the eradication of all forms of child labour.

44. UNICEF's report State of the World's Children 1997 dealt thoroughly with the question of child labour and recommended steps to ensure compulsory, free and universal primary education for all children as a way of eradicating child labour, and advocated a range of other measures to ensure that children were not being surreptitiously or erroneously put to work. An ILO report, entitled Child Labour: Targeting the Intolerable, covered similar ground but highlighted positive worldwide trends against child labour and the recognition by many Governments of the existing problem. Even corporations, usually guided only by the profit motive, were beginning to take a more ethical approach to the products they manufactured and sold.

45. A general comment on participation in civil and political rights had been adopted by the Human Rights Committee in 1996. Although the minimum voting age was 18 years in most of the States that reported to that Committee, it was not always the case. In many countries, efforts to implement the Convention included procedures whereby elections by children on the rights of children had been held, thus providing for early experience of the voting process and involvement in issues that concerned them.

46. She herself and Mr. Kolosov had visited Bern, Switzerland, to take part in a meeting designed to prepare the ground for Switzerland's ratification of the Convention. They had encouraged those present not to enter reservations to the Convention. She had attended, with representatives of the Centre for Human Rights, a training course on the Convention for government officials, which was held at Turin, Italy.

47. In the regional context, the European Parliament had adopted two important resolutions on children's rights. Reference had been made, inter alia, to the need to protect children from economic victimization, eliminate the sexual exploitation of children and establish independent institutions, of the ombudsperson type, in European countries.

48. Mr. KOLOSOV said that it was most regrettable that only half the members of the Committee were present. It might have been better to have deferred

consideration of the agenda item until more of them had arrived. At the concluding press conference, the meeting described by Mrs. Santos Pais might, perhaps, be linked to the omnibus resolution of the General Assembly in order to gain media attention. It was also regrettable that so few representatives of NGOs were present. However, the statement by Mrs. Santos Pais would be reflected in the Committee's records.

49. He would like to know which delegations had been the moving force behind the omnibus resolution. If, in the future, the Committee had such information in advance, it might be possible for its members to contact the delegations concerned to advise on important points to be made in such a resolution.

50. The CHAIRPERSON said that she, too, regretted that so few members of the Committee were present. It had not been possible to schedule the agenda item for later in the session. However, if an opportunity arose, the Committee could return to the item for the benefit of the absent members. Many NGO representatives had told her of the difficulty they had in attending all the Committee's meetings, but stressed that they did try to attend whenever possible.

51. Mrs. KARP said that she would like to raise the question of cooperation with other human rights treaty bodies, in particular the Committee on Economic, Social and Cultural Rights. She had just read the Limburg Principles, which provided guidance for the implementation of that Committee's Convention. The Limburg Principles had been formulated before the adoption of the Convention on the Rights of the Child and said nothing about the economic, social and cultural rights of children. It might be possible to suggest, at the meeting of the chairpersons of the human rights committees, that the parts of the Convention on Economic, Social and Cultural Rights dealing with the rights of children should be linked to the main Convention on the subject.

52. Mrs. SANTOS PAIS said that she agreed with Mr. Kolosov that contacts should be established with delegations. The first draft of the omnibus resolution had been negotiated by the countries members of the Latin American Group and the European Union. Additional material had then been contributed by African and other countries, so that the negotiations had become very wide, even involving the few countries that had not yet ratified the Convention.

53. She also agreed with Mrs. Karp that another attempt should be made to establish contacts with other human rights treaty bodies. The Limburg Principles were not an official United Nations document and there was no reason why the Committee on Economic, Social and Cultural Rights should not have more to say about children's rights. It might be possible to arrange for sessions of the two Committees to overlap by a few days so that informal joint meetings could be held. That recommendation might be made, yet again, in the Committee's report.

54. The CHAIRPERSON said that the Committee had already suggested to the Secretariat that it should arrange for sessions to overlap. That had been the case on one occasion. The recommendation should certainly be repeated in the report.

55. Mr. KOLOSOV said that, although the issue was a difficult one, because of financial constraints, it would be very useful if one of the Committee's sessions could be held in New York.

56. The CHAIRPERSON said that, if the Committee kept pressing the suggestion, the means for holding such a session might be found. The Committee on the Elimination of Discrimination against Women was currently in session in New York. It might be possible for the Committee to meet there at the same time of year. That recommendation should also be made in the report.

57. She herself and Mrs. Badran had attended a meeting organized in December by the United Nations Fund for Population Activities (UNFPA), which had comprised representatives of the six treaty bodies, of United Nations bodies and of some international NGOs. The topic had been women's right to health, and especially their right to reproductive and sexual hygiene.

58. It was the first time that representatives of the six treaty bodies had met under the auspices of a United Nations organ to discuss a topic of common interest. They had reviewed each other's working methods and the arrangements each of them had made to implement the recommendations of the International Conference on Population and Development and the Fourth World Conference on Women.

59. While the Secretariat intended to provide the members of the Committee with a summary of the meeting's conclusions, she wished to draw attention to two of its most important recommendations, namely, that such meetings should become regular events and that "thematic days" should be held at the annual meetings of the chairpersons of the six treaty bodies. The first such meeting would be devoted to the question of AIDS with a view to establishing common programmes.

60. UNICEF had also organized meetings with herself and the chairperson of the Committee on the Elimination of Discrimination against Women. They had been very encouraged by the positive attitude of the Executive Director of UNICEF, who had requested the UNICEF unit concerned with children's rights to make concrete suggestions for joint activities in the future.

61. The two chairpersons had subsequently attended a press conference for government delegations, United Nations bodies and NGOs. The exchanges had been very interesting, and it was clear that many NGOs were willing to contribute to the work of the two Committees especially by supplying information on their own field activities. The government delegations, which had also been very encouraging, had themselves raised the question of increasing the membership of the Committee on the Rights of the Child. She had, consequently, suggested that the Centre for Human Rights should, at the forthcoming meeting of the States parties, raise the matter once again.

62. There had also been a meeting to celebrate the fiftieth anniversary of UNICEF, at which the Secretary-General had commended UNICEF and the Committee on their work and had encouraged them to continue their efforts.

63. A meeting on the follow-up to the World Congress against Commercial Sexual Exploitation of Children had discussed the proposal by the

High Commissioner for Human Rights to establish some kind of expert group on the sale of children, child prostitution and child pornography, since the Special Rapporteur on the topic was experiencing great difficulties in carrying out his mandate. The meeting had also provided an opportunity to discuss with representatives of NGOs having specific field programmes connected with the topic ways in which they could support the Special Rapporteur. She herself had given an account of what the Committee had done at its last session to follow up the recommendations of the World Congress.

64. Members of the Committee had taken part in a field mission to Morocco and Egypt, and a closed meeting would be held later in the session to discuss the follow-up to that mission. Perhaps the most valuable meeting during the mission had been one on the rights of women and girls, the conclusions of which would be communicated to all the members of the Committee.

65. The President of the Egyptian parliament, who was also President of the Inter-Parliamentary Union, had addressed the meeting and had expressed his willingness to help. That was very important in view of the Committee's desire that parliaments should take a closer interest in children's affairs. It was to be hoped that he would convey the message to the Inter-Parliamentary Union, and that practical action would result.

66. Mrs. EUFEMIO said that she herself and Miss Mason had attended a four-day meeting for Asian countries on "monitoring and reporting". They had introduced the topic on the basis of the Committee's guidelines, and the meeting had then broken up into smaller groups to simulate the monitoring of a report. It was regrettable that few of the participants in the meeting had been members of their countries' delegations to the Committee.

67. The simulation had been a very interesting exercise, and the participants had benefited from criticizing a report as if they were members of the Committee. It had been suggested, however, that it would be more useful if the members of the Committee were to visit individual countries to meet the officials responsible for monitoring the rights of the child. She tended to agree, but such an approach would, of course, be more costly and time-consuming. The Committee might do more to encourage such practical meetings since they improved the participants' understanding of the Convention.

The meeting rose at 5.30 p.m.

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Fourteenth session

SUMMARY RECORD OF THE 349th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 9 January 1997, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Ethiopia

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GE.97-15036 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Ethiopia (CRC/C/8/Add.27; CRC/C/Q/ETH.1 and Rev.1 (list of issues); written replies by the Government of Ethiopia with no document symbol, in English)

1. At the invitation of the Chairperson, Mr. Abdela, Mr. Tadesse, Mr. Diressie and Mr. Alemu (Ethiopia) took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Ethiopia. On behalf of the Committee she thanked the Ethiopian Government for its initial report (CRC/C/8/Add.27) and for the written replies it had provided to the list of issues to be taken up in connection with the consideration of the report (CRC/C/Q/ETH.1).

3. Mr. ABDELA (Ethiopia) said that implementation of the Convention in Ethiopia was inevitably hampered by the social, economic and cultural factors prevailing in the country. Ethiopia was a rich country in terms of culture and traditions, yet economically it remained one of the poorest and least developed nations in the world. About half its population of 53 million lived in poverty. In absolute terms, poverty was chiefly concentrated in rural areas, but that did not imply that urban poverty was any less severe. In an environment marked by poverty and underdevelopment, children were the most vulnerable segment of the population. Infant and child mortality rates were still very high: 109 and 159 per 1,000 respectively (not 111 and 161 per 1,000, as stated in the initial report). Scarcity of clean water, an insanitary environment, poor living conditions, harmful traditional practices, urbanization and other socio-economic and cultural factors had an adverse effect on children, contributing to destitution, delinquency and prostitution.

4. With regard to legal instruments having a bearing on the implementation of the Convention, the most important instrument with respect to the protection of the rights of the child was the Constitution of the Federal Democratic Republic of Ethiopia, adopted in 1994, article 13 of which provided that human rights provisions must be interpreted in accordance with international instruments that Ethiopia had ratified or acceded to. Article 36, the draft text of which was reproduced in paragraph 19 of the initial report, dealt exclusively with the rights of the child.

5. Other laws, such as the Penal Code of 1957, the Civil Code of 1960, the Criminal Procedure Code of 1961 and proclamation No. 42/1993, guaranteed protection of children's rights. The Government had always striven to ensure compatibility between the provisions of the Convention and those of the new Constitution. As part of that effort, a parliamentary Legal Committee had been entrusted with the task of harmonizing the new legal instruments with existing laws. For example, article 581 of the Civil Code, which fixed the minimum age of marriage at 18 for men and 15 for women, would be amended as part of the process of harmonizing existing laws with new legislation.

6. In addition, a new social welfare policy that would benefit children had recently been endorsed. Since 1994, with assistance from the United Nations

Children's Fund (UNICEF) and other agencies, Ethiopia had been implementing a programme in 10 per cent of the country's districts (woredas). That integrated basic service aimed at delivering basic health, education and nutrition services to children as foreseen in article 24 of the Convention. Experience thus far was encouraging, and would be reviewed in April 1997.

7. Implementation of the Convention was closely associated with the realization of a National Programme of Action at all levels. In that connection, a National Programme of Action for Children and Women (1996-2000) had been endorsed by the Government, and a high-level Inter-Ministerial Committee chaired by the Minister of Economic Development and Cooperation had been established to monitor its implementation.

8. Family planning services existed in 80 per cent of hospitals, in 95 per cent of health centres and in 70 per cent of health stations. In 1995, the percentage of 1-year-old children fully immunized against diphtheria, pertussis and tetanus (DPT) had been 47.5 per cent and the percentage of pregnant women to have received doses of tetanus toxoid (TT2) had been 21.7 per cent, an improvement on the figures for 1993. The campaign to eradicate poliomyelitis had been pursued vigorously in 1996.

9. Compared to 1992-1993, the rate of enrolment in kindergarten, primary and secondary schools in 1994-1995 had grown by 7.2 per cent, 13.6 per cent and 2.6 per cent respectively. Over the same period, the number of schools at the three levels had increased by 7.2 per cent, 4.2 per cent and 3.5 per cent respectively, and the number of special schools had increased by 13.3 per cent.

10. A pilot child protection project had been initiated and implemented in five police stations in Addis Ababa through government and NGO collaboration. The scheme was aimed at separating detained children from adults and improving treatment of children by the police. Expansion of the scheme to other parts of the country was also envisaged.

11. In collaboration with the Italian authorities, the Children's Youth and Family Welfare Organization (CYFWO) had undertaken a study on child abuse and neglect in selected rural and urban areas of Ethiopia. The results of that study would enable appropriate strategies to be developed. CYFWO was also undertaking a study for the preparation of guidelines on family reunification, the findings of which would be communicated to the institutions and NGOs concerned, to enable them to reorient their programmes for the benefit of children along the lines stipulated by the Convention. Studies were also being conducted by Save the Children Fund/UK to assess whether the guarantees set forth in article 40 of the Convention were properly applied so as to promote children's reintegration in society. Other studies were envisaged on the situation of children in conflict with the law. A survey had also been conducted in 25 cities and towns in order to study the magnitude and nature of the problem of street children.

12. In conclusion, he said that the Government of the Federal Democratic Republic of Ethiopia was doing its utmost, with the resources at its disposal, to promote the survival, protection and development of Ethiopian children. In view of the manifold social problems facing the country and its extremely

limited financial, material and human resources, the Government was requesting the continued assistance of the international community in order to guarantee Ethiopian children the right to a better future.

13. The CHAIRPERSON thanked the Ethiopian delegation for its statement. She invited the members of the Committee to ask questions concerning general measures of implementation of the Convention in Ethiopia.

14. Mrs. KARP noted with satisfaction that the Ethiopian Government was doing its utmost to apply the provisions of the Convention. She asked for further information on a number of points. First, she would like to know how the proportion of the budget allocated to specific policies to benefit children was calculated, and whether local NGOs participated in implementation of programmes in that area. She also welcomed the information provided concerning the studies carried out on questions such as street children and prostitution, but wondered whether those studies formed part of a comprehensive national programme. Lastly, on the question of decentralization, she asked for further details on the role of the regional and local authorities, particularly in budgetary and supervisory matters.

15. Mrs. SANTOS PAIS welcomed the fact that the Ethiopian Constitution included child rights provisions whose wording was based on that of the Convention, and stressed that international instruments should have a direct influence on legislation adopted or envisaged by States parties. She would also like information on coordination between the competent departments and on compilation of data reflecting the true situation of all children in all areas covered by the Convention.

16. In particular, she asked what measures had been taken or were envisaged to ensure systematic gathering of data on children in urban and rural areas, and at national, regional and community levels. On the question of decentralization, she asked whether the authorities at all levels were provided with uniform guidelines to enable them to apply a joint strategy. How were local communities' concerns taken into account by central Government, and were the resources made available to the regions sufficient to cover children's needs in all areas?

17. Dissemination of information concerning the Convention and children's rights in general should also be more systematic, although the initiatives already taken in that regard in collaboration with UNICEF and NGOs were to be welcomed. On the other hand, it was regrettable that, unlike domestic legislation, the full text of the Convention had not yet been published in the Official Gazette. Professionals dealing directly with children would find it hard to put into practice the provisions of an instrument that had not been published, and it was not clear what place the Convention actually occupied in the national legal framework. She would like to know whether, for example, in the event of incompatibility between the Convention's provisions and those of domestic legislation, the Convention automatically prevailed. As the State party itself recognized that the Civil Code and the Penal Code predated the Convention and thus could not take account of the principles set forth therein, how was the latter recognized in domestic law?

18. The problem of resources, to which Mrs. Karp had already referred, was particularly critical in a war-torn country such as Ethiopia. She would like to know what proportion of budgetary resources was allocated to activities for the benefit of children, and how priority measures were identified in the light of the resources available and in the context of social policy as a whole.

19. Mrs. EUFEMIO said it was her understanding that the National Programme of Action contained no specific provision concerning children's civil rights. She wondered whether anything was done to remedy that omission in practice, and whether an adequate budget was allocated for implementation of the Programme. She also felt that, in comparison with the programmes put in place in other countries following the World Summit for Children, the Ethiopian programme was somewhat inadequate in its coverage of the family environment and alternative care. It would therefore be desirable to appoint an ombudsman (mediator), to hear children's complaints. She would also like to receive information on steps taken to promote cooperation with international organizations and NGOs with a view to implementing the Convention. She also wished to know how regional priorities were taken into account in the context of decentralization, and whether any budgetary measures were envisaged to reduce disparities between regions.

20. With regard to dissemination of the Convention, she asked what percentage of the population was actually aware of its existence. In order to secure better application of the Convention, the Government might, for example, consider requesting expert assistance or - following the successful practice of other countries - calling upon volunteers, particularly at the local level. Lastly, she would like to know what the relationship was between the newly established Legal Committee and the government mechanisms specifically entrusted with application of the Convention. What was the composition of the Legal Committee, and did it include representatives of the ministries?

21. Miss MASON said it was apparent from the information provided that, in spite of Ethiopia's troubled past, the authorities were intending to contribute to the promotion of the rights of the child. It would, however, be interesting to have more specific information on the extent to which account was taken of children's problems in the new social policy recently adopted, and on the relationship between the National Inter-Ministerial Committee responsible for monitoring the implementation of the Convention and the steering committee that had prepared the National Programme of Action for children.

22. With regard to decentralization, the Committee had not been informed whether the capacities, functions and procedures of the district judicial bodies (woredas) were similar to those of the higher bodies. Lastly, she would like to know what was being done to disseminate the text of the Convention, and whether aspects of that instrument that might seem to run counter to Ethiopia's cultural traditions were the subject of debate.

23. Mr. MOMBESHORA asked which sectors of the Ethiopian economy generated the most income and whether the demographic growth mentioned in paragraph 10 of the report was due to a higher birth rate or a lower mortality rate.

He would also like to know whether the Ethiopian Government pursued any particular demographic policy. He also noted from the report that 89 per cent of Ethiopians resided in rural areas, often in situations of poverty. He would like to know in that connection whether the old feudal system of landholding had been replaced by a more modern system and whether the authorities were trying to diversify farm production by introducing non-food crops. The delegation might also specify the respective powers of the central Government, the regions and the woreda under the new decentralized structure and indicate which of those levels was more specifically responsible for ensuring the implementation of the Convention.

24. Mrs. KARP said that she would like to know how the text of the Convention could be disseminated in a country where more than 200 languages were spoken. The report stated that 10,000 copies of the Amharic translation of the Convention had been published, but what did that figure mean in relation to the total population of Ethiopia? Nor could she really understand why most of the statistics in the report related to the under-15 population, when according to the Convention a child was any human being aged under 18.

25. Mr. KOLOSOV said that, in a country like Ethiopia with a vast territory and a multi-ethnic population, it was essential to involve children in the promotion of their own rights. He would like to know whether the Constitution, referred to in the initial report as being in draft form but apparently adopted at the end of 1994, was already in force. If not, it would be wise to amend its article 36, which dealt with the rights of the child, to include specific mention of the right of children to participate in affairs which concerned them. Furthermore, in view of the process of decentralization which had been undertaken, the text of the Convention - possibly in an abridged form - would have to be translated into all the dialects of the ethnic groups and its study included in the education programmes.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

26. Mr. ABDELA (Ethiopia) said that it was difficult to give a precise figure for the budget allocated to measures for children. However, the social sector in general had received over the last three years 20, 19.4 and 22.1 per cent respectively of the total budgetary resources. Priority had been given to the funding of health care, education and food production. The financial aid provided by international organizations and NGOs was taken into account in the national budget. For 1997 the equivalent of $2 million was earmarked for the activities of bodies concerned with children. The National Programme of Action should receive the equivalent of $1.5 billion between 1997 and 2000.

27. In reply to the questions on decentralization he said that powers were devolved to all the regions so that they could tackle their problems in the light of their cultural traditions and their capacities, with the technical and material assistance of the central Government. The adoption and ratification of international instruments was the responsibility of the Federal Government, but the actual implementation of such instruments was a matter for each region.

28. Mr. DIRESSIE (Ethiopia) said that committees responsible for the implementation of the Convention had been established in all the regions and zones of the country as well as in some woreda, but none existed yet at the level of district associations and peasant associations. Nevertheless, representatives of all those committees, which were made up of influential persons, including religious leaders and elders, had already participated in a national seminar, at which they had discussed their experience with each other. The unified guidelines concerning the submission of information to the Inter-Ministerial Committee had been sent to all the existing committees.

29. Turning to the place accorded to children in society he said that, on the initiative of the Organization of African Unity (OAU), the Day of the African Child was held every year on 16 June. On 16 June 1996 the Parliament had opened its doors to children from all the regions, and the deputies had engaged in a very fruitful dialogue with them. In addition, the Prime Minister and almost all the ministers and members of Parliament had recently participated in a meeting organized by UNICEF in Addis Ababa, thus demonstrating their commitment to the cause of children. With regard to human resources, all the regions had institutions which trained various types of personnel, including social workers and teachers. Addis Ababa also had a training institute for members of the civil service. With regard to the publicity given to the Convention, it must be pointed out that the text had already been translated into 12 languages, that the media were actively helping the Government to bring the rights of the child to the attention of the population at large, and that a seminar was held every week to increase journalists' awareness of such questions.

30. Mr. TADESSE (Ethiopia) said that the instruments of ratification of the Convention had been published in the Official Gazette in January 1992 and that since then, in accordance with article 9 of the Constitution, it had been an integral part of domestic legislation. The Government was trying to bring that legislation, including the Penal Code and the Civil Code, into line with the Convention. In the meantime every possible effort - when the economic, cultural and social circumstances allowed - was being made to avoid applying the provisions of the domestic legislation which were still incompatible with the Convention.

31. With regard to the administration of justice, the woreda courts functioned according to the same procedural rules as the country's other jurisdictions and tried only juvenile delinquents who had committed less serious offences. Moreover, such courts never imposed sentences of imprisonment. Delinquents who committed serious offences were tried by a higher jurisdiction. The Ministry of Justice was trying to improve the training of judges and magistrates working in the woreda courts and to make them aware of the Convention. In order to be adopted, any draft amendment of the Constitution, including chapter III concerning children, must receive the backing of the Council of State, the Council of Representatives and the Council of the Federation.

32. Mr. ALEMU (Ethiopia) said that the text of the Convention would shortly be published in the Official Gazette and that the Constitution provided for the creation of a commission on human rights and an office of ombudsman responsible for ensuring the implementation of the Constitution. Those two items were on the agenda of the current session of the Parliament.

33. There was no need to amend the provisions of article 36 of the Constitution, which conferred certain specific rights on children, since the other provisions of the Constitution applied to all citizens, including children. It must be pointed out in that connection that, according to article 13 of the Constitution, all laws must be interpreted in conformity with the international instruments ratified by Ethiopia.

34. Mr. MOMBESHORA said that he would welcome more information about the agrarian reform, the demographic situation and policy, and the share of the budget allocated to national defence. He would also like to know whether the authorities at the woreda level were empowered to levy taxes to fund local development programmes.

35. Mrs. EUFEMIO asked whether the National Plan of Action envisaged measures to help parents to discharge their responsibilities towards their families.

36. Mrs. SANTOS PAIS said that she would like to know whether each administrative level (region, zone, woreda) had the necessary independence and financial and material means to evaluate the situation of children and ensure the implementation of the Convention, and whether there was a national implementation strategy which would harmonize the activities carried out at those various levels. Might not the fact that there were two bodies responsible for the rights of the child - the Inter-Ministerial Committee for implementing the Convention and the Steering Committee responsible for the Plan of Action for implementing the World Declaration on the Survival, Protection and Development of Children - lead to a certain amount of duplication? It might perhaps be more effective to entrust responsibility for coordinating policy for children to a single body.

37. She would also like to know what training was given to professional groups, particularly judges and magistrates, and whether Ethiopia would need assistance in that field, which might be provided, for example, by the Centre for Human Rights.

38. Mrs. KARP asked who decided whether international financial aid should be allocated to a given section of the budget or to the implementation of a programme. She also wished to know what measures the Government was taking to correct possible imbalances between rich and poor regions, in order to prevent children in poor regions from falling victim to discrimination. The Ethiopian delegation might also state the reason why article 36 of the Convention did not mention the right of children to be protected against all forms of violence, including sexual abuse, and exploitation.

39. Mr. KOLOSOV said the fact that article 36 of the Ethiopian Constitution conferred particular rights on children gave the impression that the other articles of the Constitution did not fully guarantee children the same rights

as adults. The active participation of children at all levels of public life must be fully reflected in the Constitution, as well as in all the legal instruments dealing specifically with children's rights. Beginning in primary school, children must acquire the sense that they were separate individuals. To that end the Convention might be presented to them in a simplified and abridged form.

40. Mr. DIRESSIE (Ethiopia), replying to the questions asked by the members of the Committee, said that the regions were themselves responsible for deciding their priorities and the policies to be implemented. In the event of any financial, material or technical difficulties, the national Government provided them with assistance. Furthermore, in order to combat the rural exodus, the Government had prepared a five-year plan for the repopulation of the countryside.

41. The text of the Convention had been translated into several languages and it was made available to children by means of illustrated magazines written in simple language. The Ethiopian Government enjoyed UNICEF assistance in that connection. The recently established Legal Committee was a parliamentary body open to participation by anyone interested in the question of children and the corresponding national legal instruments.

42. Mr. ABDELA (Ethiopia) said that the regions managed their budgets entirely independently and established their own priorities with the help, when necessary, of the competent federal ministries. However, the regions could apply to the central Government for grants. The Government had also drawn up a programme to promote balanced development among the various regions in order to ensure that the poorest ones were not neglected.

43. It must be noted that the country's sharp population increase was not accompanied by sufficient economic development. The Transitional Government had adopted a national demographic policy to try to solve the population-growth problems, including the problems of food, nutrition and poverty in general. In that connection the defence budget, which had accounted for more than 30 per cent of the national budget when the country had been at war, now represented only 7 per cent, and the funds saved were used mainly for economic development and the social services.

44. Mr. ALEMU (Ethiopia) said that the Ethiopian authorities were fully aware of the need to give extensive publicity to the text of the Convention as well as to the texts of the other international human rights instruments. With regard to article 36 of the Constitution, which conferred specific rights on children, the legislature had wanted certain vulnerable population groups to receive additional protection and had not acted out of any intent to discriminate, and in any case the Constitution contained specific provisions prohibiting any form of discrimination.

45. Mrs. KARP said that article 6, paragraph (d), of the Constitution provided that children had the right to be protected against exploitation at work but did not mention any other forms of exploitation. She therefore reiterated her question about the protection of children against sexual exploitation in the family and asked why that form of abuse was not addressed and punished by the law.

46. Mr. ALEMU (Ethiopia) said he thought that all forms of exploitation of children were punished by Ethiopia's legislation, in particular by the Penal Code.

47. Mr. DIRESSIE (Ethiopia) said that there was no duplication between the activities of the Steering Committee responsible for the Plan of Action for implementing the World Declaration on Children and the Inter-Ministerial Committee for implementing the Convention on the Rights of the Child. The Steering Committee was chaired by the Minister of Labour and Social Affairs, since responsibility for implementation had been conferred on him by the law ratifying the Convention. The Inter-Ministerial Committee was chaired by the Minister of Planning and Economic Development.

48. The Ethiopian authorities were convinced that the family was the best possible environment for the development of the child and they had thus worked for the reunification of 600 children with their families under a programme which had proved very satisfactory. Placement in an institution was possible when there was no family solution.

49. The CHAIRPERSON said that the determination of the Ethiopian Government to give the Convention wide publicity was very encouraging and she stressed the importance of incorporating study of the Convention in school programmes and training programmes for various categories of professionals.

The meeting rose at 1.05 p.m.

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Fourteenth session

SUMMARY RECORD OF THE 350th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 9 January 1997, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES

Initial report of Ethiopia (continued)

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GE.97-15041 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Ethiopia (continued) (CRC/C/8/Add.27; CRC/C/Q/ETH.1 and Rev.1 (list of issues); country analysis with no document symbol (English only); and written replies by the Government of Ethiopia with no document symbol)

1. At the invitation of the Chairperson, the Ethiopian delegation resumed its place at the Committee table.

2. The CHAIRPERSON invited the members of the Committee to ask questions concerning sections II and III of the initial report of Ethiopia (CRC/C/8/Add.27), entitled "Definition of the child" and "General principles", respectively.

3. Mrs. SANTOS PAIS welcomed the announcement by the Ethiopian delegation that the statutory minimum age for marriage was to be brought into line with the provisions of the Convention and the Ethiopian Constitution. Since, however, legislation alone could not change traditional attitudes, she would like to know whether the authorities envisaged launching campaigns to heighten awareness of the adverse effects of early marriage on the health and education of girls. Article 34, paragraph 4, of the Constitution stated that laws and procedures might be enacted recognizing the validity of marriages concluded in accordance with religious and cultural laws. It was surely incumbent on the Constitution to contradict cultural laws that upheld and perpetuated the tradition of early marriage; she therefore wondered whether there was any intention to develop the provisions of the Constitution in that regard.

4. It appeared from the initial report (CRC/C/8/Add.27) that there was no minimum age below which a child could not appear in court as a witness, the matter being left to the discretion of the judge, although it might often be against the child's best interests to so appear. She urged the authorities to consider establishing a minimum age below which children should not testify in court, if such measures had not already been envisaged.

5. On the question of criminal liability, it appeared from paragraph 40 of the initial report and from the written replies that children below the age of 9 were not criminally liable; that those aged between 9 and 15 were subject to special measures under the Penal Code; and that children aged 15 to 18 were treated as adults. Did that mean that children in the last group were subject to life imprisonment and to detention in adult correctional facilities? Did reintegration programmes take account of their special needs? Could children aged 15 or below be deprived of their liberty?

6. Those were some areas in which the provisions of the Convention were not, perhaps, fully respected. Furthermore, paragraph 41, subparagraph (c), and paragraph 42, subparagraph (b), of the initial report also gave the impression that the decision to detain a child could be taken on the basis of a highly subjective assessment of his or her character; indeed, it was not even clear from those subparagraphs that a child must have committed an offence in order to be deprived of liberty.

7. Lastly, the recourse to corporal punishment clearly conflicted with the provisions of the Convention. She would thus like to know whether any steps had been taken to suspend application of the provisions of the Penal Code authorizing the use of corporal punishment.

8. Miss MASON asked whether children's views were elicited with regard to the questions of early marriage and corporal punishment. She praised the official attitude towards children born out of wedlock; but wondered what the actual state of affairs in Ethiopian society was in that regard. Were persons at the woreda level used to disseminate a better comprehension of the Convention's provisions and general principles? What was the real attitude of adults in rural and poor urban areas towards children, particularly with regard to respecting their views?

9. Mr. KOLOSOV noted that married children apparently became fully emancipated and acquired the same rights and obligations as adults. Did that mean that they were no longer protected by the provisions of the Convention and the corresponding provisions of the Constitution, such as its article 36?

10. While the authorities' efforts to raise and equalize the minimum age for marriage were commendable, legislation could not sweep away age-old traditions overnight. He would thus like to know whether there was any intention to launch campaigns in remote areas to increase awareness of the harmful consequences of early marriage, such as marital breakups, sexual exploitation, a high incidence of HIV, and lost educational opportunities.

11. Mr. MOMBESHORA asked for clarification of the statement that a marriage contracted between persons one or both of whom were below the minimum age was "invalid". Was there a law providing that such a marriage was illegal and, as such, punishable? Furthermore, he noted that, under one of the two systems for arranged marriages, children were permitted to cohabit from the age of 10, while the age of sexual consent was 15. That situation seemed to constitute an incitement to contravene the regulations designed to protect children.

12. According to paragraph 37 of the report, the minimum age for employment was 14, and measures had been put in place to protect young workers. Had Ethiopia considered ratifying the International Labour Organization's Minimum Age Convention, 1973 (No. 138), as a means of standardizing those objectives? Were there any supervisory mechanisms to ensure that labour regulations were not infringed? Was there a minimum age below which a child was not permitted to seek medical advice without parental consent?

13. Mrs. EUFEMIO noted that the "evolving capacities of the child" referred to in article 5 of the Convention were physical, emotional, psychosocial, and, in some cultures, also bound by tradition. To what extent had account been taken of that concept in defining what constituted a child in Ethiopia? At what age, for instance, could a child undergo medical treatment without parental consent?

14. Neither the initial report nor the written replies made any mention of the involvement of children in armed conflict. Article 38 of the Convention prescribed a minimum age of 15 for such involvement. In the light of Ethiopia's recent history of armed conflict, what was the legal, and the

actual, situation in that regard? At what age could a child seek to change his or her name without parental consent, and at what age could children create or join associations, or seek redress and lodge complaints on their own initiative?

15. Mrs. KARP said that early marriage was just one of many harmful traditional practices affecting girl children. What affirmative measures had been taken or were envisaged to change public attitudes to the place of girls in society, particularly with regard to education and literacy, and to eradicate de facto discrimination against them? Did the prohibition of early marriage under civil law lead to a conflict with the country's religious laws? Did the authorities avail themselves of the services of social and religious leaders in their campaigns to change attitudes towards girl children; and were positive incentives offered to discourage parents and children from contracting early marriages?

The meeting was suspended at 3.45 p.m. and resumed at 3.55 p.m.

16. Mr. DIRESSIE (Ethiopia) said that early marriage was, indeed, a serious problem in Ethiopia given the multitude of ethnic groups, cultures and languages that made up Ethiopian society. Efforts were being made to involve non-governmental organizations (NGOs) and social-sector institutions in activities and campaigns to eradicate the practice. Governmental institutions, the relevant ministries and associations were all working actively to stamp out harmful traditional practices. Activities included the compilation of information kits and educational material and training programmes.

17. A media campaign had been launched to encourage girls' school attendance. At the university level, entrance criteria had been lowered for girls.

18. One of the main problems facing the Government was the difficulty of changing attitudes given the traditional nature of Ethiopian society. One example of traditional and deep-rooted prejudice was the attitude to children born out of wedlock, although from a legal point of view they enjoyed complete equality with other children. Many programmes were under way, with the assistance of the United Nations Children's Fund (UNICEF), aimed at involving religious leaders in campaigns to discourage harmful traditional practices.

19. Children enjoyed the right to form or join associations, as had been emphasized by the Prime Minister of Ethiopia in reply to a question put to him on the Day of the African Child.

20. Children below the age of 18 years could not be conscripted into the army, not least because there was no compulsory military service in Ethiopia.

21. Mr. TADESSE (Ethiopia) said that there was no minimum age at which a child could give testimony. The testimony would, however, be accepted by the court only if it was clear that it was reliable. His Government would consider introducing a minimum age in the future.

22. Children were divided into three age groups in respect of criminal liability and punishment. Children under nine years were not considered to be criminally liable. Between the ages of 9 and 15, children found guilty of a crime would be sent to a correctional institution but were not subject to the same punishment as an adult. Between 15 and 18 years of age, young offenders were dealt with under the same provisions of the Penal Code as adults, the difference being, however, that the Code clearly prohibited the death penalty for offenders in that age group and the sentence of life imprisonment had never been passed on a child in that age group.

23. When deciding the sentence, the courts always took the personal circumstances of the child into account and guilt had to be proven beyond reasonable doubt. Corporal punishment was permitted for a child offender but could not be ordered arbitrarily by the court. In practice, however, the courts tended not to make use of that punishment. His authorities would take the provisions of the Convention relating to corporal punishment into account when the Penal Code was being amended.

24. Although early marriage was not a punishable offence, the marriage would be declared null and void immediately it was discovered. A similar approach was being taken to cases of employment of children under the age of 14, whereby the employment was immediately terminated and the employer prosecuted.

25. Only persons over the age of 18 had the right to sue or be sued. Below that age any such legal action had to be conducted through the parents.

26. Mr. ALEMU (Ethiopia) said that the Civil Code recognized civil, religious and customary marriage. It did stipulate, however, that any provisions of customary law that conflicted with those of the Civil Code were not applicable.

27. The CHAIRPERSON said that the Committee noted that the delegation of Ethiopia shared its concern over the problem of the implementation of the principles of non-discrimination and that the delegation was willing to accept the Committee's suggestions on how best to bring domestic legislation into line with the Convention. Ethiopia's commitment to amending provisions concerning which the Committee had expressed its doubts was welcome. However, Ethiopia's initiatives and activities needed to be more focused and coherent. It should look to the experience of other countries whose society was similar which had made efforts, particularly with the help of religious leaders, to overcome traditional values that were detrimental to children's health.

28. Mrs. SANTOS PAIS said that some countries had developed networks of NGOs, religious leaders and government representatives that worked at the local level to try and change the attitude to girls. Ethiopia should consider the guidelines in the recommendations drawn up by the Committee during its thematic discussions on girls and on juvenile justice. It should also try to use the general principles of the Convention as a guide when formulating policies at every level and ensure that the best interests of the child were at the heart of every measure it adopted.

29. It was equally important that the views of the child should be taken into account in the decision-making process, whether in the family, the school

or the community. A good place to put that principle into practice would be in cases of adoption, where it seemed that the wishes of the child were not heeded.

30. Mr. MOMBESHORA asked whether the views of the child were considered in the case of arranged marriages.

31. The CHAIRPERSON invited the Committee to ask questions concerning the sections of the report entitled "Civil rights and freedoms" and "Family environment and alternative care".

32. Miss MASON asked what measures were being considered to ensure the complete registration of all children in Ethiopia, an issue that had a bearing on every aspect of a child's life, from access to health services to recognition of the child as a person before the law.

33. Mrs. SANTOS PAIS said that child registration was crucial to the enjoyment of fundamental rights and freedoms and the prevention of abuse. Ethiopia should study the example of other countries which had enlisted the help of universities or civil society in registration campaigns. Were there any plans to run such a campaign or to train personnel to act as registration officers?

34. She would welcome more information about torture and other cruel and inhuman treatment. It was, indeed, good that the Constitution banned torture, but she would like to know whether the Penal Code imposed sufficiently harsh penalties. Were there any cases of the torture of street children, especially by law-enforcement officials and were such cases brought to court and publicized? It was important to make it absolutely clear to the public that torture was a serious crime and carried serious penalties.

35. She would also like to know whether there was a truly independent system - the courts or a human rights commission, for example - for dealing with children's complaints of ill-treatment in institutions.

36. Mrs. KARP said that she would like to know whether the Penal Code classified mental cruelty in the family environment as a crime. It was sometimes difficult to distinguish between abuse and treatment that was culturally acceptable, but it was important that clear lines should be drawn. If there was a complaints procedure for children housed in institutions, were they encouraged to use it? And was there any systematic and periodic evaluation of the situation of such children to decide whether they should remain in the institution or return to their homes?

37. Paragraph 86 of the report gave the astonishingly low figure of four in-country adoptions in 1991-1994. It appeared, therefore, that hardly any use was made of the civil adoption procedure. Were large numbers of children adopted under traditional arrangements without official supervision or authorization? In cases of traditional adoption, was any attempt made to investigate the situation and guarantee a good family environment for the child?

The meeting was suspended at 4.43 p.m. and resumed at 4.56 p.m.

38. Mr. DIRESSIE (Ethiopia) said that the complaints procedure for children housed in institutions was considered very important but it had yet to be established in many parts of the country. Some progress had been made in the capital through the NGO network for the prevention of child abuse and neglect. That experience might be replicated in other big cities in the near future.

39. The Civil Code did contain provisions on adoption but the traditional system, which ensured that the child was fully accepted as the child of his or her adoptive parents, was still in use. Inter-country adoption was supervised by the courts and social workers and was allowed only in the case of orphans having no extended-family or community support. There might still be some cases of illegal adoption, but the authorities were endeavouring to bring all adoptions under official control.

40. Mr. TADESSE (Ethiopia) said that it was an official requirement that all parts of the country should have registry offices for the registration of births and other acts of civil status. For the moment, however, the system was operational only in the major towns, so only a small proportion of children were registered at birth. Unregistered children were not denied their voting rights on reaching the age of majority or their rights as children, such as the right to health care and to education. The problem persisted due to a shortage of funds and human resources. The authorities were trying to make the system universal.

41. Torture was, indeed, regarded as a serious crime by the Penal Code and carried a maximum penalty of life imprisonment; the courts treated cases of torture by government officials with particular severity. There had been no cases of the torture of street children.

42. Mr. ALEMU (Ethiopia) said that it should be remembered that torture had been widely used by the former military regime. Officials of that regime were currently being prosecuted, so that there was great public awareness that torture was a serious crime.

43. Failure to register a child at birth did not affect his or her civil rights. Other institutions, such as the churches and municipalities, often performed the function of registry offices. They could issue birth certificates on request, providing that adequate evidence was supplied.

44. The supervision of child labour was a responsibility of the Ministry of Labour and Social Affairs. It was very difficult for it to fulfil that responsibility because of the scant registration of enterprises. However, employers could be prosecuted for violation of the child-labour regulations.

45. Children could traditionally be given in marriage even before birth. The Civil Code regarded such marriages as null and void, but made no provision for penalties. The Civil Code also contained provisions for 15-year-olds to conclude contracts of adoption with their family's consent. To be legal, an adoption must be approved by a court, which was required to hear the views of children aged 10 or over.

46. The CHAIRPERSON said that it seemed that the Committee would have to identify partners to support the Ethiopian Government in its efforts,

especially with regard to its civil registration system. The issue was a difficult one, because Governments usually regarded registration as a matter of national sovereignty and were unwilling to accept international assistance. Even if unregistered children were not denied their rights, it was hard to see how, for example, the Government could identify target groups and their needs or how programmes could be designed for such groups. UNICEF would, perhaps be able to help strengthen the Ethiopian system.

47. The Committee would probably wish to make recommendations concerning the supervision of child labour, especially in the informal sector. ILO might be able to make a contribution under its International Programme on the Elimination of Child Labour (IPEC) especially if the Committee suggested such a move, if action had not already been taken in fact in Ethiopia.

48. Mrs. KARP said that she still failed to understand how there could be only four in-country adoptions in a three-year period. She would like to know more about the provisions of the Civil Code on adoption and have it confirmed that legal adoption was possible only with the approval of the authorities. An arrangement under which adoption was purely a matter of agreement between families was hardly compatible with the Convention. It was perfectly possible in such a situation for children to be sold. Paragraph 17 of the written replies indicated that accession to the Hague Convention was under consideration and she would like to know whether a decision on the matter was imminent and whether there were any obstacles to such accession.

49. Mrs. SANTOS PAIS said that she was very pleased, though rather surprised, to hear that non-registration of children did not impair their rights. She doubted whether the churches and municipalities were effective substitutes for an official system, which, moreover, was obligatory under the Convention. Without registration, it was very difficult to prevent under-age children from working, being recruited into the armed forces or contracting marriage. The Committee might be able to help by supplying information on the arrangements made in other countries facing the same problem.

50. It was a good thing that the Civil Code required a child's consent to adoption, but the failure to mention that point in the report showed how widespread the traditional attitude to adoption was. It was essential for children above a certain age to be allowed to give their views, especially in cases of inter-country adoption, when they would be transferred to an entirely different culture. Stronger safeguards appeared to be needed, and she hoped that Ethiopia would soon accede to the Hague Convention. In any case, it was essential that Ethiopia should ensure compliance with all the provisions of article 21 of the Convention.

51. Torture was a common practice in many countries, and a legal framework was clearly essential for its prevention. The Committee had been informed that life imprisonment could be imposed on persons convicted of torture, but article 417 of the Penal Code provided that any public servant found guilty of improper or brutal treatment, including physical violence, was punishable by a fine or simple imprisonment, the periods of imprisonment ranging from 10 days to three years. Such a provision hardly conveyed a sufficiently strong message against torture, especially in a country with a history such as that

of Ethiopia. When revising the Penal Code, the authorities should thus consider including very strong sanctions on torture and especially the torture of children.

52. Turning her attention to the family environment, she sought further clarification of the statement that light corporal punishment of children by members of their family was permitted under Ethiopian law as an educational measure, although it was clearly not in keeping with the provisions of the Convention. She wondered whether there were any plans to amend such legislation or to find other means of discouraging the practice.

53. Mr. MOMBESHORA, noting that the Ethiopian authorities had been able to provide statistics on inter-country adoption, inquired whether there were any follow-up procedures for monitoring the well-being of the adopted children in their new countries of residence. In view of the significant increase in inter-country adoptions in recent years, he, too, would like to know if there were any plans to ratify the Hague Convention. He had some doubts regarding the statement in paragraph 78 of the report that it was an obligation of brothers and sisters to supply maintenance for a child in the absence of parents or other adult relatives. Was that a legal obligation or merely a social one?

54. Miss MASON asked where children who had been removed from parental care were placed and what services and facilities were available to them. For instance, she would like to know whether they had access to the services of a social worker with a view to their reintegration into the family home. Mention had been made of the fact that less than half of the children in especially difficult circumstances had access to social services. Moreover, although it was asserted that divorce did not represent a serious problem in Ethiopia, there was a high rate of separation, for a variety of reasons including unemployment and early marriage. In those circumstances, she was particularly concerned about the welfare of the children of single parents and the scope for their abuse, maltreatment and ultimate institutionalization or abandonment. What measures were envisaged to deal with the social and economic problems facing such children?

55. Lastly, further to the question asked by Mr. Mombeshora, she would like to know whether there was any responsibility on the part of the State for the maintenance of children when it could not be guaranteed by the parents.

56. Mrs. EUFEMIO said she shared the concern expressed by other members of the Committee regarding issues relating to adoption and more particularly with reference to the statement in paragraph 67 of the report to the effect that the adoption of an Ethiopian child by a foreigner would not imply any change in the child's nationality. She wondered whether if a change in nationality effectively occurred, the original birth certificate would be amended.

57. She would also welcome clarification regarding the possibility of adopting conceived children before their birth (para. 83) and would like to know what assurances were given that the adoptive parents could provide a better home than biological parents. By way of extension, she wondered what the incidence was of simulated births, whereby, instead of going through the normal adoption procedures, the adoptive parents simply had the child assume

their family name immediately after birth. Furthermore, where the adoptive and biological parents knew each other, was it possible for the adopted child to maintain contact with the latter? If so, she was concerned about the implications, for instance, for the bonding process of the adoptive family.

58. Were inter-country adoptions arranged in the country of adoption or did the adoptive parents normally visit Ethiopia for the proceedings? In the latter case, what guarantees were there that a period of trial custody by the adoptive parents would be allowed prior to the finalization of adoption procedures?

59. She would like to know whether there had been many cases of children being abducted from Ethiopian territory by parents who had not obtained custody in separation cases. Quite apart from the rise in inter-country adoptions, that might be another good reason for ratifying the Hague Convention without further delay.

60. Mr. DIRESSIE (Ethiopia) said that it was difficult to obtain accurate information concerning in-country adoptions since they were normally conducted at the local level in accordance with Ethiopian traditions through the agreement of the adoptive and biological parents and not brought before the civil courts. Hence the low figure for in-country adoptions given in the report.

61. Inter-country adoptions were organized by foreign adoption agencies which vetted prospective adoptive parents to ensure that they met the necessary criteria. Their findings were forwarded to the nearest Ethiopian embassy and taken up as appropriate, for the Ethiopian courts. After the adoption had been finalized, the agency was obliged to send reports and documentary evidence to the Ethiopian authorities concerning the status of the adopted child at six-month intervals until he or she had reached the age of 18. There was also a follow-up mechanism, whereby inspectors paid visits to the adopted children in the country of adoption, with the assistance of the local adoption agencies. The Hague Convention had recently been the subject of a review in Ethiopia and its ratification in the near future had been recommended.

62. As for children in especially difficult circumstances, there were five State-run orphanages with a capacity of about 2,000 children, staffed by social workers and counsellors who provided the necessary services. NGOs organized a number of support initiatives for street children in the large towns of Ethiopia. In addition, a child/family reunification programme had been undertaken jointly by the Government and NGOs and was having some success in reuniting child victims of war and drought with their parents or close relatives.

63. Mr. TADESSE (Ethiopia), referring to the legal aspects of some of the questions asked said that, according to the Ethiopian Nationality Law of 1930, the adoption of an Ethiopian child by a foreigner would not entail any change of nationality. Where a conflict of interest arose between the adopted child and its adoptive parents, the case had to be heard in the country in which the contract of adoption took place, which usually meant Ethiopia.

64. Regarding penal sanctions in cases of torture, he pointed out that the Ethiopian Penal Code of 1957 had been amended by the Special Penal Code of 1974, according to which anyone found guilty of aggravated cases of torture was liable to life imprisonment.

65. Mr. ALEMU (Ethiopia) said that many of the provisions of the Ethiopian Nationality Law of 1930 were not currently being applied in practice, in view of the provisions regarding citizenship in the new Constitution which, for example, allowed all Ethiopian citizens to change their citizenship. The Nationality Law would be revised in due course to bring it into line with the Constitution and with the international instruments ratified by Ethiopia.

66. The CHAIRPERSON invited the members of the Committee to ask questions concerning the section entitled "Basic health and welfare".

67. Mrs. KARP said that she was still particularly concerned about in-country adoption because of the absence of an appropriate mechanism to safeguard the bests interests of the child. There seemed to be no guarantees to ensure that the child was not sold into adoption. Who exactly was the guardian in such cases?

68. From the information provided, it appeared that an incredibly low percentage of disabled persons had access to the necessary services and treatment. Were there any programmes to remedy that situation, whereby a very large sector of the population was effectively being discriminated against? Furthermore, she asked whether there were studies in progress on the causes of disability, designed to preventing a further increase in the number of disabled citizens.

69. Miss MASON said she would like some information on traditional medicine and its role in compensating for the lack of modern medical practices. It was interesting that the report made no menton of social measures to improve the current standard of living, such as the provision of medical and housing allowances. She would welcome more information in that regard. What steps was the Government taking to promote industrial growth and provide greater opportunity for employment?

70. Mr. MOMBESHORA said that his main concern was the practice of genital mutilation. He had the impression that, for a variety of reasons, campaigning to change attitudes would not prove very effective and that the Government needed to devise a legal instrument to combat the problem.

71. From the statistics available, he noted that there was a high rate of maternal mortality, probably owing to the lack of adequate medical facilities. The situation could, perhaps, be improved by providing information on safer birthing methods to birth attendants.

72. He would welcome some information on the prevalence and geographical distribution of the HIV virus and AIDS and on intra-uterine infections.

73. A widespread problem that could easily be resolved through education and information was the alarmingly high mortality rate resulting from dehydration due to diarrhoeal diseases. There were many other health problems that could be tackled by improving the standards of hygiene. That could best be achieved, perhaps, by providing training to community workers on basic health matters. They could also play a useful role in reducing the high rate of preventable diseases. Health was one area in which most countries enjoyed international support. If that had not been the case so far in Ethiopia, the Committee might possibly be able to assist.

The meeting rose at 6.02 p.m.

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Fourteenth session

SUMMARY RECORD OF THE 351st MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 January 1997, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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Initial report of Ethiopia (continued)

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GE.97-15055 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Ethiopia (continued) (CRC/C/8/Add.27; CRC/C/Q/ETH.1 and Rev.1) (list of issues); (written replies by the Government of Ethiopia with no document symbol in English and French)

1. At the invitation of the Chairperson, the Ethiopian delegation resumed its place at the Committee table.

2. The CHAIRPERSON invited the members of the Ethiopian delegation to reply to the questions raised by the members of the Committee at the previous meeting.

3. Mr. DIRESSIE (Ethiopia) said that children were adopted in Ethiopia on the basis of an agreement between families according to customary practices. In the case of international adoption, the State acted as the children's guardian. Ethiopia had five State orphanages where children learned to be independent.

4. The main causes of disability that had been identified were poliomyelitis and vitamin A and iodine deficiency. The Ministry of Health had drawn up a major health programme that included an extended vaccination programme. There were two establishments for blind and deaf children, but unfortunately their facilities were limited. A specialized agency set up under the auspices of the Ministry of Labour and Social Affairs was primarily responsible for their social integration.

5. The war had claimed many victims among children and the Government was trying to reintegrate them into their communities. The Government's health policy also advocated the development of traditional medical practices and midwives were trained on that basis in the framework of collaboration between the Government and the United Nations Children's Fund (UNICEF). Lastly, an estimated 120,000 children suffered from AIDS. The media had launched an extensive information campaign in the various regional languages and school curricula paid particular attention to the question of AIDS. Several non-governmental organizations (NGOs) were working to curb the spread of the virus.

6. Mr. ALEMU (Ethiopia) added that a national committee had been set up to combat harmful traditional practices such as sexual mutilation, and that the media had launched a vast campaign to increase awareness of the subject. Many women's associations were calling on the Government to adopt legislation guaranteeing that women enjoyed the protection provided for by the Constitution. All the awareness-raising campaigns also attached particular importance to the task of combating cruelty to children.

7. Mrs. SANTOS PAIS, who was concerned at the large number of children orphaned by the AIDS epidemic, asked whether those children were effectively protected, how they were integrated into society, what alternative protection they enjoyed and how potentially discriminatory attitudes towards them were curbed.

8. In the field of education, the report stated quite frankly that Ethiopia faced many problems, including the gap between school curricula on the one hand and young people's needs and the country's development requirements on the other. In view of the enormous disparities between girls and boys, urban and rural areas and individual regions, were measures being considered to overcome such disparities and to give priority to regions which had been particularly affected by the war and drought? As the school drop-out rate among girls was particularly high, the authorities should try to create in families the climate of confidence needed to encourage parents to send their daughters to school. The delegation had stated that all children received primary education free of charge, but additional information on the cost of textbooks, school dinners and school transport would be welcome.

9. Miss MASON, who had noted that the social policy announced by the Government had been approved, asked what progress was being made in implementing the education policy announced for 1992 to 1994 and whether the literacy campaign of recent years had been successful. She also requested information about the student-teacher ratio and the proportion of men and women in the teaching profession. Since young people in every country had clearly lost interest in teaching, she asked whether the Ethiopian authorities were encouraging people to become teachers. At what level were teachers recruited, how did private school results fare in relation to those of State establishments, and what was being done to encourage girls to attend school?

10. Mrs. KARP asked whether "human rights", grounding in the principles of the Convention and sex education and family planning were a compulsory part of school curricula. She also asked whether the Ministry of Education had any plans to carry out a qualitative analysis of curricula to ensure that they prepared children properly for the realities of everyday life.

11. Mrs. EUFEMIO said that, even though she understood the economic problems faced by Ethiopia, it was regrettable that no more than 1.4 per cent of children between the ages of four to six received preschool education and that young children's development and upbringing were being neglected. In her opinion, preschool education could be organized at the community level and provided by the parents themselves in turn. Classes could focus on stories, songs and role-play since it had been found that if children were introduced to reading and arithmetic too early, their subsequent interest in those subjects waned.

12. Miss MASON suggested that, in the framework of the Government's programme for the decentralization and democratization of education, and in view of the difficulties being encountered by the country in the sphere of education, the authorities should consider training children, including children from more affluent backgrounds, to impart basic knowledge to their peers.

13. Mr. DIRESSIE (Ethiopia) said that the underlying cause of all the problems that had been mentioned was chronic poverty. With a view to improving the schooling of nomadic children, the Government had built a

boarding school in one of the regions where nomadic populations stayed the longest. In view of the project's success, it had been decided to set up similar boarding schools in all the regions through which nomads passed.

14. In an effort to tackle the problem of school drop-outs, the authorities had allocated Br 15 million to needy families to help them cover the cost of buying school supplies for a year and, with a view to stimulating interest in teaching, they had raised teachers' wages to a satisfactory level. Teacher-training colleges at which courses were given in regional languages could be found throughout the country.

15. With regard to the system of private education, he said that implementation of the Ministry of Education's specific directives on the subject had begun. On the question of including human rights teaching in school curricula, he explained that, in accordance with the education policy in force, children were brought up in a spirit of tolerance, mutual respect and acceptance of the intrinsic values of their community.

16. Mr. ALEMU (Ethiopia) added that preschool education was not administered entirely by the Ministry of Education but was being increasingly decentralized and provided at the local community level, for example by churches and Koranic schools. He also explained that private school curricula, which were approved by the Ministry of Education, were exactly the same as those of State schools. New directives aimed at strengthening the relationship between the two kinds of educational establishment had been issued, and in any event there were very few private establishments in Ethiopia.

17. With regard to the question of human rights teaching in schools, he explained that, in the framework of the United Nations Decade for Human Rights Education, the Ethiopian Ministry of Education had undertaken to reflect international human rights instruments in school curricula. In response to the question put by Mr. Mombeshora, he said that agrarian reform had been carried out in Ethiopia in 1974 when the feudal system had been abolished and land redistributed to peasants.

18. The CHAIRPERSON requested the Ethiopian delegation to reply to the question on children who had been orphaned by AIDS.

19. Mr. DIRESSIE (Ethiopia) said that no report had been prepared on the matter in Ethiopia and that no special measures had been adopted for that group of children. Five children who had been orphaned as a result of AIDS had been placed in establishments in Addis Ababa. The non-governmental organization Medical Missionaries of Mary assisted children suffering from AIDS. With regard to discrimination, he recognized that children with AIDS were often ostracized and rejected by society, and that in general there was a great deal of discrimination against people with AIDS in Ethiopian society. Nevertheless, campaigns were organized to highlight how the virus was transmitted and to avoid any discrimination against sufferers.

20. Mr. ABDELA (Ethiopia) added that a number of steps had been taken by the Ministry of Health in an effort to curb discrimination against persons with AIDS. For example, a press campaign on the dangers of AIDS had been launched in a variety of local languages (in government and non-government departments

and in schools) and groups to prevent AIDS had been formed. Persons providing sex education also offered information on the use of condoms. He said he regretted the lack of governmental support for children orphaned by AIDS but pointed out that three NGOs were playing an active role in that area (Organization for Social Services for AIDS, the Sisters of Charity and Medical Missionaries of Mary).

21. The CHAIRPERSON noted what was being done by the Government of Ethiopia in the area of AIDS control with regard to mobilizing society, disseminating information and educating the population at all levels, but wondered whether Ethiopia actually had a national health training and blood bank monitoring programme, possibly on the basis of cooperation with the World Health Organization (WHO) or other organizations.

22. Mr. DIRESSIE (Ethiopia) said that one of the departments of the Ministry of Health was responsible for AIDS-related issues and providing information and education on the subject. WHO had an office within the Ministry of Health. Every year, on World AIDS Day, pamphlets were distributed and posters displayed in various languages, and the way in which the virus was transmitted was very clearly explained.

23. The CHAIRPERSON invited members of the Committee to put questions to the Ethiopian delegation on the section of the list of issues (CRC/C/Q/ETH.1) entitled "Special protection measures".

24. Mrs. KARP said she thought that specific programmes might be drawn up for teachers to help them impart to children the intellectual and moral values that they would use in their everyday life as adults. Secondly, she was concerned at the Ethiopian delegation's replies on the question of disabled children, and wondered whether measures were taken to ensure that they were integrated in schools and society and whether there was any special policy that would entail increasing the budget for disabled children. Thirdly, she noted that the Ethiopian Constitution did not deal directly with domestic violence and said it was her impression that very little was being done to curb domestic violence in general. For example, incest did not appear to be a punishable offence under the Penal Code. Information would also be welcome on rehabilitation programmes for traumatized children, measures taken to encourage police to help children speak freely and the particular kind of training provided for judges, police officers, psychologists and so on. Fourthly, she asked whether Ethiopia had adopted specific measures relating to child prostitution following the World Congress against Commercial Sexual Exploitation of Children which had been held in Stockholm. Fifthly, she noted that, according to the report of the Government of Ethiopia, only 3,000 of its 100,000 street children had access to the special services provided by NGOs. It would be interesting to know whether those figures were reliable and whether the Government of Ethiopia intended to increase appropriations for such children. With regard to juvenile justice, she said it was regrettable that there was only one children's court - in Addis Ababa - and that children in other regions of the country were therefore being discriminated against. She requested further information on the right of children to legal aid depending on the seriousness of the offence committed, and asked whether there was an alternative to prison which also helped the young offender to become integrated into society.

25. Mrs. SANTOS PAIS emphasized the importance of AIDS prevention campaigns in the media and schools that provided information on how the virus was transmitted. Society should stop hiding the problem and try to solve it. In Zimbabwe, for example, the school programme comprised a subject entitled "Let's talk about AIDS" that dealt with its transmission and that therefore enabled children to discuss it at home and in the community.

26. With regard to education, she asked whether it was completely free or whether families had to pay for uniforms and textbooks, for example. If so, families would prefer to send their children out to work rather than to school. In the context of special protection measures for children, she asked whether accurate statistics were available on the number of street children and those affected by the war, and whether strategies had been developed to assist various groups of such children. Lastly, with regard to juvenile justice, she requested the Ethiopian delegation to provide the Committee with written information on the provisions of the Penal Code relating to life imprisonment that had been mentioned at the Committee's previous meeting.

27. She also noted with surprise that, according to paragraph 195 of the initial report of Ethiopia, the right of a juvenile may be restricted where the offence was very serious or where the minor was represented by his parent or guardian. Yet article 40 of the Convention recognized a child's right to state his or her case in the presence of legal counsel and (not or) in the presence of his or her parents. Ethiopian legislation also provided that a minor could be tried in the woreda court without any formal charge (para. 192 of the report), which was contrary to the obligations assumed under article 40 of the Convention, as was the fact that minors could be convicted if they admitted guilt (para. 197). Nor was it acceptable under the Convention that a young recidivist could be sentenced to a prison term if the court considered that prior measures had failed (para. 212). Corporal punishment, which was mentioned in paragraph 214, should be abolished outright. As there appeared to be only one detention centre for minors in Addis Ababa and as minors elsewhere were kept together with adults in prison owing to a lack of resources, other alternatives should be considered (family placement, counselling, educational measures, and so forth).

28. Ms. MASON, referring to the study carried out by Ethiopian authorities on nomadic children and to the boarding school education provided for such children following the study, said she wondered whether the best interests of the child were being served and article 30 of the Convention on the rights of indigenous children was being respected by depriving a child of his or her nomadic status and assigning him or her to a sedentary education. Recently, the authorities in another African country, faced with the same problem, had opted for a system allowing teachers to go and stay with nomadic children, which had proved to be a completely satisfactory solution.

29. Mr. KOLOSOV said that Ethiopia was a most generous host to its own refugees as well as those from other countries. However, it appeared that, from the standpoint of determining refugee status, there was room for progress. He therefore suggested to the Ethiopian authorities that they should cooperate more closely with the Office of the United Nations High Commissioner for Refugees (UNHCR) so as to improve the way in which

refugees were registered and the relevant documents compiled in order to ensure full respect for all their rights, and their civil rights in particular.

30. With regard to the problem of street children, as it would obviously be difficult to demand a country as poor as Ethiopia immediately to build establishments for a disadvantaged population group, simpler and less expensive solutions had to be sought, possibly with the help of NGOs, in order to remedy a situation in which children were both the potential perpetrators and victims of crimes.

31. The CHAIRPERSON asked whether any positive results had been achieved by the children's "mini summit" organized by UNICEF before the Conference of Heads of State and Government of members of the Organization of African Unity (OAU) in Yaoundé, and whether the recommendations made on that occasion had been followed up, especially in respect of children affected by the war.

The meeting was suspended at 11.50 a.m. and resumed at 12.05 p.m.

32. Mr. DIRESSIE (Ethiopia) said that a study carried out two years previously had provided useful information on street children. The study's recommendations had been used to draw up programmes with the help of UNICEF and the Italian Government. However, there was no easy solution, because if such children were provided with infrastructures catering to their needs in cities, many others in rural areas might well be tempted to migrate to the towns in order to enjoy similar facilities. Law enforcement officers must also be trained to protect children's rights. The curriculum at the national police school included talks and seminars on children's rights in general and those of street children in particular.

33. Unfortunately, existing services for handicapped children were very poor, but a specific programme of action was envisaged to help them. Various steps were also being taken to assist children affected by the war and to promote their reintegration into the community. With regard to information concerning the HIV and AIDS problem, the Ethiopian authorities would take the comments of members of the Committee into account.

34. Mr. TADESSE (Ethiopia), referring to the problem of incest, explained that article 621 of the Penal Code provided for a maximum 10-year prison term if a child was involved, as opposed to 3 years if the victim was an adult. Ethiopian legislation also recognized everyone's right to a lawyer. However, in the case of children, a distinction was made between minor offences - in respect of which, because of a shortage of qualified staff, children were represented by their parents - and serious offences, which carried a sentence of more than 10 years, in respect of which children could be represented by a lawyer. Children could also ask to be represented by an officially appointed lawyer if their parents were too poor to pay for the services of a private lawyer.

35. Only the parent or guardian could lodge a complaint with the police. Children below 18 years of age could not, therefore, take a case to court or be prosecuted except through their parents or guardian. Only in the case of very minor offences could a child be tried without any formal charge and

without the involvement of the Public Prosecutor's Office. With regard to sentences, only when corrective measures such as admonishment, probation, or placement in an educational, correctional or institutional care establishment had been unsuccessful could a young recidivist be sentenced to imprisonment for 10 days to 3 years. The Ethiopian delegation had already stated the previous day that minors under 15 years of age were not imprisoned together with adults but placed in correctional establishments. The only such establishment for children, in Addis Ababa, could hold 300 children but additional establishments were to be set up in three other regions of the country.

36. Mr. ALEMU (Ethiopia) acknowledged that the wording of paragraph 195 of the report was ambiguous. However, it should not therefore be assumed, as Mrs. Santos País had done, that the restrictions on a child's right to choose a lawyer increased in proportion to the gravity of the offence. In practice, the court appointed a lawyer in some cases. The comments made by members of the Committee regarding corporal punishment would be duly taken into account, as would their observations concerning the age of criminal responsibility. In Ethiopia, the concept of mental cruelty was covered by the definition of torture, even though it was not classified as a different offence when children were involved. The idea of a special penal code for minors was interesting, and information in that regard might possibly be provided in the future.

37. Although the question of sexual violence was not explicitly mentioned in article 36 of the Ethiopian Constitution, which set forth children's rights, the problems of rape and incest were amply covered by existing legislation. Sexual violence against children was punishable under the Penal Code even if the child had given consent. Unfortunately, such cases of violence were often difficult to detect and punish in practice. Three months previously, a case of sexual violence involving three children in the south-west of the country had been given wide coverage by the media.

38. With regard to refugees, it was true that there were no provisions that specifically defined their status. The Office for Refugees and Repatriates registered refugees and cared for them in cooperation with UNHCR.

39. Mr. ABDELA (Ethiopia) said that a system of mobile schools had been created in each region for nomadic children and that in addition boarding schools would be provided in the areas where they lived.

40. Mr. DIRESSIE (Ethiopia) added that a local NGO coordinated the activities of the many NGOs that dealt with street children and child prostitutes. It worked closely with competent State bodies and was engaged in the task of making police officers aware of such problems. It had also set up a reception centre in Addis Ababa where young girls who lived on the streets could rest, wash, acquire a basic education and, if necessary, receive medical care.

41. The CHAIRPERSON thanked the Ethiopian delegation for the information it had provided and invited members of the Committee who wished to do so to present their preliminary conclusions on the consideration of the initial report of Ethiopia.

42. Mr. KOLOSOV said he hoped that, despite the many difficulties it faced, the Government of Ethiopia would waste no time in doing all it could to improve the legal and economic situation of children in collaboration with competent international bodies. He expressed the hope that, in two to three years, Ethiopia would submit an interim report revealing the progress made in implementing the Committee's recommendations.

43. Mrs. SANTOS PAIS said she would like the text of the Convention published in Ethiopia's Official Gazette, a handbook on the rights of the child compiled for professional groups, coordination between the inter-ministerial Committee and regional and local committees responsible for monitoring implementation of the Convention strengthened, and data on children compiled systematically, in collaboration with international bodies such as UNICEF, so as to determine whether there were disparities between regions, various groups of children and girls and boys. The public should also be made more aware of the harmful effects of certain traditional practices, including early marriage, and the best interests of the child should be taken into account when the national budget was prepared.

44. Furthermore, certain laws should be amended as a matter of urgency to ensure that a child could not be sentenced to death or life imprisonment or given corporal punishment and to prohibit parents from inflicting corporal punishment, however light, on their children. Furthermore, people found guilty of having tortured or ill-treated children should be punished more severely and their acts condemned publicly. The legal age for marriage should be the same for girls and boys and adoption procedures should be amended in the light of the Convention.

45. With regard to juvenile justice, the Government should see to it that the provisions of articles 37, 39 and 40 of the Convention were fully implemented and consider requesting the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch at Vienna for assistance in that connection. Measures to help vulnerable groups such as children affected by the war, children with AIDS, street children and children deprived of liberty should also be strengthened. The creation of the post of ombudsman and of a commission on human rights would also help to promote respect for the rights of all individuals in Ethiopia.

46. Lastly, the Government of Ethiopia could transmit to the Committee additional information on the specific issues it had raised, arrange for the wide dissemination of the initial report of Ethiopia and the Committee's final observations among the population and organize a meeting of relevant international organizations and NGOs to determine how the Committee's recommendations could be followed up in the framework of international cooperation.

47. Mrs. KARP said that she would like children to be closely associated with the adoption of decisions on matters of concern to them and given greater encouragement to assume responsibility and develop their independence. Persons dealing with children, such as teachers and social workers, should also be given very specific instructions that would help them solve children's

problems more effectively. Lastly, Parliament could organize a debate in which children could take part and the Committee's recommendations could be considered.

48. Mrs. EUFEMIO hoped that the question of civil rights and freedoms and matters concerning the family environment and alternative protection would be taken into consideration in the national plan of action to implement the World Declaration on the Survival, Protection and Development of Children and that the Ministry of Labour and Social Affairs would assume greater responsibility for matters involving children's development.

49. Miss MASON noted that Ethiopia, despite the serious problems it faced, had already adopted a number of constructive measures. Programmes for destitute children should be strengthened, more assistance given to NGOs working in that area and the committees responsible for monitoring implementation of the Convention, especially at the woreda level, provided with greater resources.

50. Mr. ABDELA (Ethiopia) said that, despite the serious obstacles being encountered and its limited resources, Ethiopia was doing all it could to improve the living conditions of present generations and to prepare for future generations.

51. The Ethiopian delegation had tried to reply as best it could to the Committee's questions and had realized during the discussion that there was much to be done before the Convention was fully implemented. That goal could be achieved only with the active participation of international and multilateral institutions, NGOs and the Ethiopian people.

52. In conclusion, he assured the Committee that the recommendations made during its consideration of the initial report of Ethiopia would be duly passed on to the Government of Ethiopia and the competent national authorities.

53. The CHAIRPERSON announced that the Committee had concluded its consideration of the initial report of Ethiopia. On behalf of the Committee, she thanked the Ethiopian delegation for its spirit of cooperation and candour and the positive way in which it had accepted the Committee's recommendations.

54. The Ethiopian delegation withdrew.

The meeting rose at 1.10 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fourteenth session

SUMMARY RECORD OF THE 352nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 January 1997, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (continued)

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GE.97-15058 (E)

The meeting was called to order at 3.15 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES (agenda item 6) (continued)

1. Mr. QUINTANA (Inter-American Children's Institute) said that cooperation with the Committee was of the utmost importance for the Institute as the Convention on the Rights of the Child was taking on increasing relevance in the Americas, particularly Latin America and the Caribbean, and would undoubtedly influence social and legislative policies in the region.

2. The Institute, as a specialized agency of the Organization of American States (OAS), had been working in the field of the rights of the child for many years. Its activities included training programmes, programmes to help manage social projects and programmes to eliminate drug addiction among children and young people. The Institute's Directing Council was made up of representatives of all the OAS members and established the guidelines for the work of the Institute as a whole.

3. At a meeting of the Directing Council in 1996, a programme of work had been adopted whose main aim was to increase the political visibility of children's issues in the region and emphasize how those issues could be incorporated into current political, economic and social processes.

4. Cooperation with the Committee was also important because the Institute was ideally placed to help publicize its work. There were three main areas in which it could be of particular use. First, it could provide technical assistance to countries preparing their reports for submission to the Committee and provide follow-up to the Committee's reports and recommendations. Secondly, as part of the inter-American system, it could disseminate information on the work of the Committee within the OAS and its annual General Assembly and Permanent Council and within other specialized bodies in the region. Thirdly, it could work with the Committee on surveys and compile reports on subjects relating to children.

5. The Institute was hoping to establish training courses for people working in the legal professions and would welcome any input from the Committee that would help it promote programmes and other activities reflecting the Committee's aims.

6. The CHAIRPERSON thanked the representative of the Inter-American Children's Institute, on behalf of the Committee, for his suggestions and comments.

7. Mrs. SARDENBERG said that she welcomed that chance to cement the relationship between the Committee and the Institute which, as a regional organization, was in a perfect position to emphasize children's issues at a time of immense political change in Latin America. The three proposed areas of cooperation constituted a viable way of beginning the new relationship, although more long-term collaboration would have to be considered at some stage. The Committee would be pleased to provide information to the Institute on the countries in its region that were due to submit reports and would welcome any help it could give them.

8. The level of poverty and social exclusion facing children in the region was unacceptable and the Committee would support any efforts to ensure that children's issues were a focal point of government policies and increase the political visibility of children's rights.

9. Mr. MOMBESHORA asked how the Institute was funded and if it was competent to take up cases of human rights violations.

10. Mrs. SANTOS PAIS emphasized the importance of publicizing the Convention in the region, particularly since the United States of America had not yet ratified it.

11. The Committee had prepared guidelines c ıe form and contents of initial reports (CRC/C/5) and periodic repc (CRC/C/58) which the Institute could disseminate. The proposed training programmes for occupational groups would be an important activity and of considerable interest if they were used to complement the legal reforms under way in the region. It would also be useful if the Institute and the Committee could work together on thematic case-studies that would be compiled annually and submitted for consideration, with both bodies contributing information they had gathered in the course of their work.

12. The CHAIRPERSON said that members of the Committee were very much in favour of cooperating with the Institute. Of particular interest was the Institute's support for the vocational training of law-enforcement officials on the new concepts included in the Convention. Cooperation in the preparation of general thematic studies would be enormously useful and cooperation in terms of field visits might also be considered.

13. Mrs. KARP said that the Institute was ideally suited to carrying out comparative studies in the region. It could look at solutions found to the problems of children in the various American countries and see if they were applicable elsewhere. Consideration should also be given to improving indigenous peoples' knowledge of the Convention and determining how it could be applied to their cultures.

14. Mr. QUINTANA (Inter-American Children's Institute) said that the Institute was financed from the regular OAS funds and from special funds under cooperation programmes with several countries, including some European ones.

15. The Institute was not competent to make statements about countries or to criticize them. That was reserved for the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The Institute was trying to establish closer relations with the Commission, with a view in particular to providing it with information about violations of the human rights of children. It was currently helping the Commission on specific points of interpretation of children's human rights. In that connection, the Inter-American Convention on Human Rights contained some specific provisions on children's rights, which were already widely applied in a number of countries.

16. The situation of indigenous peoples was often regarded as a question of minorities although in some countries, such as Peru and Bolivia, they actually

constituted the majority. The Institute was about to begin a discussion with the UNICEF regional office on the topic of indigenous peoples, which had many legal implications, especially for human rights. When more information was available, it would be transmitted to the Committee.

17. The CHAIRPERSON said that the Committee's agenda and other relevant documents would be transmitted to the Institute, so that it could follow the Committee's work and continue to publicize its recommendations. The Committee was always anxious to strengthen cooperation in the fields falling within its competence.

18. She invited Mr. Picard, Chief of the General Conditions of Work Section of the Application of Standards Branch, to inform the Committee of the relevant cooperation activities of the International Labour Organization (ILO).

19. Mr. PICARD (International Labour Organization) said that ILO continued to work on the follow-up to the Committee's recommendations, which were communicated to the relevant headquarters services and to external offices so that they could be incorporated into and given priority in ILO activities. The moment was fast approaching when it would be possible to assess the implementation of the Committee's recommendations. Such implementation required a degree of cooperation on the part of States, and there was often a wide gap between what the delegation of States said in the Committee and what the States did in practice.

20. The latest report to the International Labour Conference of its Committee of Experts on the Application of Conventions and Recommendations had examined the work of the Committee on the Rights of the Child as it affected ILO. It was essential that the Committee should continue to transmit information about its activities for inclusion in that report, so that the Conference could see exactly what it was doing.

21. In March 1996, the ILO Governing Body had decided to include in the agenda of the 1998 Conference an item on new labour standards in order to put an end to the intolerable exploitation of children working in hazardous conditions. A report on national legislations and practices had since been published and a questionnaire was being sent out to States to enable them to give their views on possible new instruments. Those documents had also been made available to the Committee so that it could discuss the matter at its forthcoming meeting with the ILO Deputy Director-General. He hoped that the Committee would make a contribution to the preparation of the instruments in question.

22. He would leave it to his colleague Mr. Gust, Manager of the International Programme on the Elimination of Child Labour (IPEC), to report to the Committee on the Programme's activities.

23. The CHAIRPERSON said that it was certainly true that Governments did not always do as much as they should to implement the Convention. That was why the role of the Committee's partners was so important where implementation was concerned. At a future session, it intended to consider the follow-up to its

recommendations and the role of its partners, beginning with the United Nations bodies. In that connection, the recent meeting of the Chairpersons of the six treaty bodies, organized by the United Nations Fund for Population Activities (UNFPA) in New York, had stressed the role of all United Nations organs in publicizing those bodies' work, with particular respect to their recommendations.

24. The Committee would certainly study the ILO documents and give its views at the meeting with the Deputy Director-General.

The meeting was suspended at 4.05 p.m. and resumed at 4.15 p.m.

25. Mr. GUST (International Labour Organization) drew attention to the document entitled "IPEC at a glance", which summarized the Programme's aims and activities. The question of child labour was part of the ILO core mandate of securing social justice in the workplace, but it was important to address the question not in isolation but in the context of overall development themes. While there were many opportunities for cooperation with other organizations, such specific ILO issues as labour inspection, skills development and labour statistics were particularly relevant to the question of child labour.

26. There was a strong link between the elimination of child labour and the promotion of social justice. The means of action available to ILO had a strong normative emphasis and included, in particular, the Minimum Age Convention (No. 138) and the Forced Labour Convention (No. 105). The exploitation of child labour was expressly covered by the latter Convention. Many of the provisions of the Convention on the Rights of the Child, and not just article 32, were also relevant to the work of ILO.

27. IPEC was the operational arm of ILO in the implementation of its own standards and of the provisions of the Convention on the Rights of the Child. Its work had a very strong research and publications component, geared to the country level through technical cooperation projects and plans for the elimination of child labour. The international partners included the United Nations system, Governments, NGOs and employers' and workers' organizations. All the tripartite constituents of ILO were very interested in IPEC. At the end of 1996, two senior specialists had been designated to advise on activities for the elimination of child labour through employers' and workers' organizations.

28. The framework for IPEC activities was the political commitment by States to do something about child labour by ratifying the relevant ILO conventions, enacting legislation and introducing administrative arrangements. It was essential to establish an alliance among the various partners in a multidisciplinary approach, in which the statistical quantification of the problem was of particular importance.

29. A central component at the country level was the memorandum of understanding on cooperation between the Government concerned and ILO. Twenty such memoranda had already been signed. They set out the general arrangements for cooperation, particularly the establishment of a national

steering committee to produce a national action plan as a precursor to a programme funded by ILO from donor resources. IPEC currently had 13 donors, and other countries were about to contribute.

30. ILO insisted on a pragmatic approach in all national programmes. In the last analysis, a country must take responsibility for its own policies and projects. It was expected that child labour would remain on the global agenda for many years to come, and it was vital to continue the worldwide campaign against it waged by the tripartite constituents of ILO, the United Nations system and the NGOs. In the preparations for the possible new instruments mentioned by Mr. Picard, priority would be given to the particularly intolerable forms of child labour.

31. IPEC relied heavily on the ILO field structure. The function of the small headquarters unit was to advise management and coordinate the field units. IPEC had been running for nearly four years and a major evaluation exercise was to be carried out in 1997 with a view, in particular, to introducing improvements that would ensure the sustainability of country programmes.

32. Mr. KOLOSOV said that the Committee had always taken a close interest in the elimination of child labour and the current discussion was certainly a useful one. One specific problem in the Committee's cooperation with ILO was the discrepancy between their definitions of the "child". The Committee, and indeed other United Nations bodies and NGOs, always defined children as persons aged under 18, whereas the ILO instruments allowed children aged 15 to enter into labour contracts. Perhaps the problem could be overcome by finding a different term for "child labour".

33. Mr. PICARD (International Labour Organization) said that Mr. Kolosov was right. The discrepancy might perhaps be overcome by dividing persons aged under 18 into two categories: children and adolescents. Various ILO texts already made that distinction. An attempt had also been made to resolve the problem by distinguishing between the English terms of "child work" and "child labour", but such a distinction could not be made in other languages. UNICEF was also interested in the problem, but the ideal formula had yet to be found.

34. Mr. GUST (International Labour Organization) said that IPEC had always endeavoured to take account of the Committee's conclusions and recommendations, as contained in its reports, which were extremely useful for project development. Due note would be taken of the comments made at the current meeting on ways of enhancing cooperation.

35. Mrs. SANTOS PAIS underlined the importance of strengthening cooperation with ILO at the national level, where the implementation of IPEC projects was of particular interest. Since the Committee had been in existence for almost seven years, the time had, perhaps, come to take stock of the progress made by the States parties and to decide whether the Committee's recommendations needed refining, in preparation for the consideration of the next round of reports. An assessment in both general and national terms was required and input from ILO on the implementation of IPEC programmes which reflected the Committee's recommendations would be most useful.

36. Mrs. SARDENBERG said that IPEC was clearly a success. The timing seemed to be right, as the issue of child labour was being given good coverage by the media. There were several questions she would like answered regarding IPEC.

37. In 1995, the Committee had carried out a mission to India, Bangladesh and Pakistan and, subsequently, when assessing the results, it had noted the striking differences in approach to problems between countries, even in the same region. Did IPEC have a similar experience?

38. On the matter of sustainability, she noted the reference to the ultimate goal of countries assuming responsibility for their own programmes. Were countries in a position to meet that goal or was there still a tendency to be dependent upon IPEC?

39. Lastly, she would welcome more information on the meetings to be held later that year at Amsterdam and Oslo and what their role was in the four-step strategy towards adoption of a convention on the elimination of child labour by 1999.

40. The CHAIRPERSON asked for details of all forthcoming meetings that might be of interest to the Committee. The agendas for those meetings could, perhaps, be made available so that the Committee could provide input, where appropriate.

41. Mr. GUST (International Labour Organization) said that two conferences on child labour were to be held in 1997 at Amsterdam (February) and Oslo (October). A seminar sponsored by the Organization of African Unity would also take place in February at Cairo. Other events included the Latin American Child Labour Summit at Cartagena, Colombia, in April and the ILO Asian and Pacific Regional Conference at Bangkok in November.

42. While ILO would be actively involved in all those events, the Amsterdam and Oslo Conferences would definitely represent important steps towards the adoption of the new convention. The Amsterdam Conference would focus on intolerable forms of child labour, whereas the Oslo event was to be devoted to education issues. It was worth noting that, at a recent preparatory meeting for the Oslo Conference, it had been suggested that the Committee should be consulted on matters of interest.

43. ILO was undertaking an intensive evaluation process, commencing with a programmes review meeting that was to be held shortly in India. The evaluation exercise would be carried out by national teams not directly associated with IPEC, but ILO experts would act as advisers. ILO would provide those teams with a summary analysis of its discussion with the Committee. That would both enable them to determine to what extent the Committees recommendations could be taken into account and ensure that advice by the Committee would be more focused in the future.

44. For the time being, the goal of sustainability could be realistically achieved only in certain areas. For example, sufficient capabilities had been built up in all participant countries to enable national statistics offices and ministries of labour to continue their work on the elaboration of child labour statistics. In that connection, ILO planned to issue shortly a manual

on the methodology of elaborating child labour statistics for the use of such offices in conducting national surveys. Another area where sustainability might be achieved was that of labour inspection.

45. There was no uniform approach towards child labour among participant countries. ILO had found awareness-raising to be effective, but it was the responsibility of each country to find the most suitable method. There could be no doubt, however, that employers and employees were increasingly pressing Governments to take action. For instance, child labour was to be one of the priority areas for action in India in years to come.

46. Mrs. KARP asked how working children were involved in defining programme objectives, developing strategies and exchanging experience, and to what extent they were partners in the challenge.

47. Mr. PICARD (International Labour Organization) said that the same question had been asked recently at the Council of Europe. IPEC's partners were usually NGOs representing the interests of working children. It was difficult to involve children themselves in the development of programmes and policies for a number of reasons. The age of majority was normally a prerequisite for participation and, in the countries concerned, children usually had little say in such matters. He had often been asked whether children could belong to trade unions. There was nothing to prevent them in international labour standards but there were obstacles of national legislation in that regard.

48. Mr. TABUSA (International Labour Organization) said that IPEC and an international trade union federation had recently organized an international school theatre festival on the theme of child labour. Using information provided by IPEC, the participating schoolchildren had discussed ways of dealing with the problem and had performed a play on child labour. On the basis of the experience gained, it was planned to produce training materials for teachers. For the time being, only international schools in Europe were involved, but it was hoped that the project could be extended to the developing countries. Such an initiative might be one way of involving children in the issue of child labour.

49. Mrs. KARP, said that the starting point for IPEC's work seemed to be the child as an object of protection, while the Convention placed greater emphasis on the participatory role of the child. While she fully understood the difficulties in respect of national legislation, they represented a challenge to which an organization like ILO must rise. Under the Convention, children were entitled to freedom of association and there appeared to be nothing to prevent ILO from including the issue of national legislation in its strategy and seeking ways of involving working children in matters affecting them.

50. The CHAIRPERSON said that the difficulties facing ILO were understandable, since the participation of children was a fairly new concept that had been raised by the Convention. In its questionnaire to States, ILO could, perhaps, ask for information on the existence of children's associations. In some countries, children were allowed to establish such associations, provided that the funds were managed by adults. Such

associations could be potential partners for ILO. In any case, it was important that associations cooperating with ILO in IPEC should take the views of children into account.

51. Mrs. SANTOS PAIS thanked the representatives of the partner agencies for attending the meeting. She welcomed, in particular, the presence of a representative of the International Monetary Fund and hoped that the Fund would participate more actively in future meetings of the Committee.

52. Mr. TAPLIN (International Monetary Fund) said that it was not the first time that a representative of the Fund had attended a meeting of the Committee. The limited number of staff members in the Fund's Geneva office made it difficult, however, for them to attend meetings on a regular basis. None the less, the Fund would continue to follow the Committee's work with interest where such work touched upon its sphere of competence - policy advice on the macroeconomic and financial fronts.

53. The CHAIRPERSON thanked the Director of IPEC and the other ILO experts for their participation. The Committee, which was very interested in enhanced cooperation with ILO, was convinced that the exchange of views would improve understanding of the problems encountered in the field, especially with regard to the implementation of the Committee's recommendations. It was to be hoped that the next batch of periodic reports would provide more accurate information on the progress made, particularly with respect to the programmes run by ILO.

The meeting rose at 5.20 p.m.

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Fourteenth session

SUMMARY RECORD OF THE 353rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 13 January 1997, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Panama

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GE.97-15074 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Panama (CRC/C/8/Add.28 (English and Spanish only); HRI/CORE/1/Add.14/Rev.1; CRC/C/Q/PAN.1 (list of issues); written replies by the Government of Panama with no document symbol, in Spanish)

1. At the invitation of the Chairperson, Mrs. Graham de Sampson and Mrs. Arosemena de Troitiño (Panama) took places at the Committee table.

2. The CHAIRPERSON welcomed the Panamanian delegation on behalf of the Committee and invited it to reply to the questions in the list of issues (CRC/C/Q/PAN.1) concerning general measures of implementation of the Convention.

3. Mrs. GRAHAM DE SAMPSON (Panama) said that in November 1990 Panama had ratified the Convention, which had since been an integral part of its internal law. Subsequently, in order to bring the national legislation into conformity with the Convention, the Parliament had adopted the Family Code, which had entered into force in January 1995 and contained a book II devoted to minors, and it was currently considering a draft code on childhood and adolescence.

4. The Panamanian Constitution guaranteed the right of children to adequate food, health, education, personal safety and social security and stipulated that their parents should exercise parental authority jointly. It also stated the principle of the equality of all children before the law, regardless of the circumstances of their birth. It provided for the establishment of a body specifically responsible for the family and children, and the Parliament was accordingly now considering a bill on the creation of such a body, which was to be the national institute for the promotion of social development. In addition, the Constitution stated the principle of compulsory free primary education and the right of all citizens to participate in the country's cultural life. Furthermore, Act No. 100 of 30 December 1974, on the reorganization of the civil status regulations, recognized the right of children to have a name and acquire a nationality and, where work was concerned, the Labour Code protected minors against exploitation and unhealthy or dangerous work.

5. A special rehabilitation institute had been established for disabled children pursuant to Act No. 53 of 30 November 1951, and Act No. 34 of 6 July 1995, amending the Education Organization Act (No. 47), provided for the implementation of measures to facilitate access by the disabled to education institutions. The latter Act also provided for modernization of education, established compulsory pre-school education, and recognized the need to give priority to the rural regions and the regions where indigenous people lived. Still in the sphere of legislation, Act No. 50 of 25 November 1995 sought to protect and encourage breastfeeding. Lastly, Act No. 27 of 16 June 1995, amending the Penal Code, characterized violence in the family and the ill-treatment of minors as crimes. It also provided for the establishment of specific institutions to care for victims of violence and ill-treatment.

6. With regard to the measures taken to develop mechanisms for the determination of appropriate indicators as well as the collection of statistical data on the status of children, the Ministry of Planning and Economic Policy, with the support of an interministerial body (the Social Cabinet), had carried out research to identify the most vulnerable regions and population groups and the research had led to the preparation of a plan of action for human development, children and young people (1992-2006) and of a draft national strategy to combat poverty. Various indicators had been calculated in the areas of health (child mortality, maternal mortality, malnutrition, vaccination, drinking-water supply, and waste disposal), education (school attendance, repeated years, drop-outs and illiteracy), and employment (work by children in particular).

7. With regard to the steps taken to coordinate the activities of the State and initiatives on the part of civil society to ensure the implementation of the Convention, she said that there was no public body responsible for such coordination. However, once it had been established, the national institute for the promotion of social development would play a lead role in the protection of children and the family. The inter-ministerial body referred to earlier (the Social Cabinet) provided a link between activities in the social sector and in the areas of health, public works, education, employment, social protection, development of fisheries and agriculture, housing, and planning. In addition, the National Council on Children and the Family, which was composed of four members of the Government and seven NGO representatives, also played a coordination role. Children's NGOs were grouped together in the Federation for the Defence of the Rights of the Child (FEDDENPA), which ran a number of reception centres and child rehabilitation centres open to minors in need. The Covenant for Children was a programme designed to coordinate the activities of governmental and non-governmental organizations concerned with children and adolescents. Lastly, the Coalition for a Drug-Free Panama coordinated all the public bodies and non-governmental associations which were trying to prevent drug addiction and help drug addicts.

8. With regard to the possible establishment of an ombudsman for children, the post of ombudsman for minors had been created pursuant to article 834 of the Family Code, but that official was mainly responsible for ensuring the legal protection of children. The Parliament had also adopted recently an act creating the office of national ombudsman, and the plan was for the office to have a unit specifically responsible for children and young people.

9. The proportion of the national budget attributed to social needs (education, health, employment, social security and housing) had risen from 31 per cent of public expenditure in 1990 (about 17 per cent of gross domestic product) to 38 per cent in 1995.

10. With respect to the measures taken to reduce the impact of economic difficulties on the most vulnerable population groups, in collaboration with UNICEF the Government had prepared support programmes for its national policies, which covered the most important social fields, and had formulated proposals on the following topics: project on national development with a human face, integrated strategy for national development, system for monitoring social goals, and methodology for calculating social expenditures.

11. Through the National Council on Children and the Family the Panamanian authorities had carried out in 1995-1996 a programme of seminars and workshops for the benefit not only of personnel working in sectors connected with children but also of the whole national community. Personnel responsible for the administration of juvenile justice had also been given special training.

12. Lastly, international collaboration was being continued, through the Ministry of Planning and Economic Policy, with UNICEF, UNDP and the European Union.

13. The CHAIRPERSON invited the members of the Committee to ask questions about the first part of the presentation.

14. Mrs. BADRAN asked how the changes made in the legislative system had been put into practice and how effective the new mechanisms were proving. She also asked how the dissemination of the principles stated in the Convention was organized and whether a simplified presentation of those principles was envisaged, in order to make them more comprehensible to children.

15. The Panamanian delegation had stated that the proportion of the national budget attributed to social needs had increased to 38 per cent of public expenditure: was that an increase in real terms, taking into account inflation and the population increase, and had the budgetary expenditure in the sectors specifically connected with children also increased by the same amount?

16. She would also like to know whether action had been taken to prevent the structural adjustment policies from further aggravating the economic disparities between, in particular, the urban and rural populations and between the various ethnic groups. She also wondered whether the authorities had already been able to make a first evaluation of the collaboration programme with UNICEF (the first phase of which had covered 1992-1996) and whether any obstacles to the implementation of that programme had been identified. Were any measures envisaged to improve housing?

17. Mr. MOMBESHORA said that despite the improvement in the socio-economic situation in Panama the gap between rich and poor seemed to be widening. Should it be concluded that the provision of social services was not effected by the State in an egalitarian manner? And had the Government taken all the necessary steps to improve the situation of the poorest people?

18. Mrs. SARDENBERG said she was sorry that the initial report of Panama, dated September 1995, did not reflect the true current situation. The core document (HRI/CORE/1/Add.14/Rev.1) contained more recent information, but she would like to be told the source of that document and its status in relation to the initial report. She would also like to know how the Convention was disseminated among all the population groups and how it was perceived by public opinion. Lastly, how were the new legal instruments such as the Family Code implemented and was there any coordination of the various governmental programmes which had been described?

19. Mrs. SANTOS PAIS welcomed the progress made with respect to Panama's legislation. She nevertheless pointed out that the initial reports of countries must deal with the two-year period following the ratification of the Convention. In the case of Panama the Committee had received very inadequate

information. Furthermore, while it was important to describe the new legislative framework and the general attitude of the authorities, in particular with regard to combating poverty and promoting the rights of the individual, it was essential to provide the Committee with the means of forming an accurate opinion on the specific situation of children in the country and, for example, to tell it about the concrete action taken to reduce the unfavourable impact of economic and social difficulties on children. In that regard, some of the information provided was inadequate, in particular concerning justice for minors or, to take a specific example, the consistency of the various pieces of legislation dealing with the age of employment.

20. She also wondered whether the provisions of the Convention took precedence over national legislation and whether a court could cite such provisions directly. Was there any horizontal coordination between all the bodies and services having responsibility for the rights of the child and any vertical coordination between the central and local authorities?

21. She would also like to know whether measures had been taken to reduce disparities, especially those between boys and girls and children belonging to different ethnic groups, and whether arrangements were envisaged for giving priority to the most disadvantaged children.

22. Miss MASON said that the spirit of the Convention was truly innovative since it sought to redefine the place of the child in the family and society. She asked whether there existed in Panama a system of mutual teaching among children, whether children were able to participate in public life, and whether they were represented in the various committees specifically responsible for ensuring respect for children's rights. She would also like to know what were the exact functions of the children's ombudsman established under the Family Code and his degree of independence from the Government. How many requests and complaints did he consider each year? Lastly, she would like to know how the Panamanian authorities fulfilled their obligation to give extensive publicity to the principles of the Convention, whether public meetings were held to enable citizens to exchange views on the question and, if so, which topics seemed to arouse the greatest interest.

23. Mr. HAMMARBERG said that it was a pity that the information contained in the initial report of Panama was out of date, incomplete and too factual. He would like to have some information about the effectiveness of the measures and strategies which had been carried out, in particular about the implementation of the Covenant for Children and the role of NGOs in that regard.

24. The Panamanian authorities had devised a strategy to reduce poverty and the possible negative effects of the structural adjustment policies on the poorest population groups. Was that strategy effective and what action still had to be taken to protect such groups against the impact of deregulation of the economy? Lastly, he would like to know how the "rights of the child" component had been incorporated in the training programmes for police officers, and for health and judiciary personnel.

25. Mr. KOLOSOV said he understood that the Convention on the Rights of the Child could not be invoked directly in the courts. He would therefore like to know whether the provisions of the national laws in force were fully in conformity with the Convention and whether they were applied in the spirit of the Convention.

26. Mrs. KARP said that she regretted the lack of information illustrating the exact nature of the legislative changes since the submission of the initial report. In that connection, she would like to know whether the new legislation embodied the principle of the participation of children in decisions which concerned them and above all the rights of the child in the family context. She noted, for example, that the 1994 Act did spell out the rights of the child but mentioned only legitimate children. She would also like to know the extent to which the new Family Code gave effect to the new vision of the child and whether efforts were being made to enhance parents' awareness of their role as educators in that new vision. She also inquired what proportion of the national budget was allocated to the protection of the family unit. She noted with dismay that the family courts instituted by the Panamanian Government were not functioning for lack of resources and that children could not therefore be protected against ill-treatment. Lastly, she would welcome clarification of the role of the ombudsman in the protection of children and figures on the budgetary allocations for specific activities for children as a proportion of allocations for human rights in general.

27. Mrs. EUFEMIO said that she wished to know the extent to which the various local authorities participated in the conduct of factual analyses of the situation of children and in the evaluation of children's services. She would also like to know what proportion of the national budget was allocated to programmes for children.

The meeting was suspended at 11.45 a.m. and resumed at noon.

28. The CHAIRPERSON invited the members of the Panamanian delegation to reply to the additional questions asked by the members of the Committee about the section of the list of issues entitled "General measures of implementation".

29. Mrs. GRAHAM DE SAMPSON (Panama) said it was regrettable that Panama had had to prepare its initial report in a period of great economic and social instability, for that was why it did not contain all the information necessary for an understanding of the country's situation. Nevertheless, during the period following the submission of the initial report the new Family Code had been adopted, in 1995, and its provisions, even if they were still not yet in force, were indeed based on the principles of the Convention. Moreover, several bodies had been established in Panama as part of the national plan of action. For example, one of the aims of the "Social Cabinet" comprising the Ministers of State responsible for social questions was to improve the situation of the most vulnerable children and to ensure the follow-up of the plan for children. In addition, the new Family Code established the National Council on the Family and Children, which was a consultative body of the national Government responsible for all matters connected with children and the family. Through the Council Panama could undertake specialized studies, and that illustrated the importance attached to respect for all the principles set out in the Convention on the Rights of the Child.

30. With regard to the dissemination of the Convention, the Government had made the teaching of the rights and principles stated therein obligatory in the Ministry of Education's programmes. The mini-summits held in various parts of the country to encourage implementation of the Convention had been attended by various groupings of children and had produced good results, and the Council on the Family and Children, in cooperation with the Ministry of Social Security and several NGOs, had carried out a public awareness programme concerning the problems of street children in particular.

31. A comprehensive programme of health care and education for children had been established, and the relevant systems were in place in all the country's provinces and communes, particularly in rural areas, since special importance was attached to indigenous peoples, which were the poorest population groups.

32. Turning to the housing problem, she said that a housing assistance programme had been devised by the Ministry of Education to meet the needs of the poorest families and that building materials, for example, had been supplied to families under the programme. All such measures went hand in hand with the improvement of the employment situation. Moreover, the communities used their own resources in order to avoid any paternalism on the part of the Government.

33. Mrs. AROSEMENA DE TROITIÑO (Panama) said that the office of children's ombudsman responsible for considering complaints from children was not yet actually in existence. The Legislative Assembly had just approved the establishment of an independent national ombudsman, who would be responsible for the human rights of all the country's inhabitants, including children. The protection of children would thus be guaranteed in principle in that global context. However, the text of the Act had not yet been published in the Official Gazette. In any event, the ombudsman would be required to report to the Government authorities about the future development of his work. In addition, a study group had been working for eight months on the drafting of new laws concerning children and adolescents which would bring Panama's legislation into closer conformity with the provisions of the Convention.

34. On the question of the measures taken in connection with possible areas of discrimination, she said that the Panamanian Constitution contained provisions prohibiting discrimination in general. In addition, the Labour Code and the Family Code prohibited work by children under 14. The employment of children aged under 12 (a common practice in some regions) had been declared illegal by the Supreme Court. Several other provisions were envisaged in the Family Code to prevent all kinds of discrimination, and the State was required to give priority attention to the needs of the most disadvantaged children.

35. With regard to the general administration of justice, Panama traditionally respected the rules of international law even if they were not formally incorporated in domestic legislation. With regard more specifically to the rights of the child, the necessary information was given to the organs and personnel concerned in order to prevent any overlapping or confusion between the provisions of the Family Code and those of the Convention and to ensure that the latter prevailed. The civil law on adoption had been radically amended since the preparation of the report: the former system, which provided for partial adoption with the possibility of revocation, had been replaced by regulations limiting adoption to children aged under 18,

making the adoption decision irrevocable, and providing for monitoring and follow-up in the case of international adoption, as well as requiring the consent of the Ministry of Foreign Affairs. The Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption had been signed and it could be ratified once all the contradictions with internal legislation had been eliminated; the same applied to the Inter-American Convention on adoption.

36. Since the preparation of the report Panama had established new bodies and procedures which made the administration of justice a responsibility of the judiciary and no longer of the Ministry of Justice, as had been the case since 1951. Accordingly, the practice in Panama in that respect was in conformity with the principles stated in article 40 of the Convention.

37. With regard to training and information about the Convention, the education legislation had been amended in order to include the study of questions of the rights of the child and the Convention in education programmes at all levels. However, as in other countries, in Panama the Convention was sometimes perceived as limiting to some extent the authority of parents and teachers - hence the problems and resistance. In 1996 a working group had tried to identify those problems with a view to including all the necessary information in the training of teachers, in particular. A training programme was also planned for the juvenile police: it had been prepared in cooperation with UNICEF and gave priority to prevention and protection in preference to suppression. At the university level the recently created Institute for Women had made a survey of the situation of girls and the problem of early pregnancy. It was estimated that about 20 per cent of babies were born to unmarried adolescent mothers.

38. Mrs. GRAHAM DE SAMPSON (Panama), replying to the question as to whether the provisions of the Convention were actually reproduced in the national legislation, said that generally speaking the Family Code reflected a large part of the content of the Convention. Turning to another point, she said that the proportion of female heads of family had been about 20 per cent in 1990. The distribution of Panama's population was fairly even, with 50.5 per cent men and 49.5 per cent women. With regard to the problem of minors, there was a national commission on women which was responsible for formulating the necessary policies to give effect to the Beijing Platform for Action. The obstacles to the application of the legislation on the family had also been mentioned. Since the former Civil Code dated back to 1917, there was no doubt that the population stood in need of a vast information programme. Despite the limited budgetary resources, efforts had been made in 1996 to ensure the implementation of the Family Code and the relevant provisions of the Convention and to establish a lead body responsible for children and the family.

39. A social development project had also been submitted to the National Assembly. Although the national budget contained no allocations earmarked for children, the social sector budget in general had increased to 38 per cent of the total budget between 1995 and 1996 and was expected to increase to 44 per cent in 1997. In the framework of Panama's strategies to combat poverty, its authorities were trying to facilitate the access of disadvantaged groups to essential services. The measures taken in that connection included nutrition programmes (distribution of milk in schools, etc.), development of community participation, increased budget allocations

for the most needy groups, improved job opportunities, stronger social structures, and development of cooperation with international organizations and NGOs.

40. Various measures had been taken to ensure that all possible grounds for discrimination, especially with respect to civil rights, were brought within the purview of the national legislation. Since 1946 the qualification "legitimate" or "illegitimate" had not appeared on birth certificates, and all discrimination in the payment of maintenance benefits had been abolished. The procedures for registration of acts of civil status had been regulated and standardized by Act No. 100 of 30 December 1974. The rights embodied in the Convention were moreover duly reflected in the Family Code, which took cognizance of the notion of the best interests of the child and children's equality of rights.

41. The CHAIRPERSON said that the information provided orally by the delegation was all the more valuable since the State party had not initiated the process required by the Convention until long after the preparation of the report under consideration. Since the reforms had not yet been completed in Panama, especially with respect to institutions, the Committee must do its utmost to contribute to that process.

42. Mrs. SANTOS PAIS said that, where legislation was concerned, it must be possible for the Convention to be invoked and applied directly in Panama. Since, according to the delegation, the question of the compatibility of the provisions of the Convention with those of the national legislation had not yet been comprehensively studied and since the population at large and judiciary personnel in particular remained reluctant to implement the Convention, the Panamanian authorities must issue a clear message on that point by adopting a children's and minors' code and improving the training of members of the police and the judiciary. Furthermore, the policy of the State party concerning the rights of the child really must reflect all the principles set out in the Convention, in particular in article 4 concerning economic, social and cultural rights. It was indeed important to combat poverty in general, but it was essential to give specific attention to the needs of children. The new "Social Cabinet" should therefore evaluate the impact on children of every general measure taken or planned. She wondered whether there might be some conflicts of jurisdiction between the national ombudsman and the children's ombudsman and, in that event, which of the two would prevail. It did in fact seem that, in order to provide the best protection of the rights of the child, a totally independent arbitrator would be required.

43. Mr. KOLOSOV noted that, according to the Panamanian delegation, the provisions of the Convention were duly reflected in the national legislation, but the interpretation of those provisions was a sensitive matter. He wished to point out that the interpretation of the Convention could not be left to the discretion of each State party. Even taking into account the new developments since the preparation of the report, it could hardly be asserted that the Convention had been duly incorporated in Panamanian law.

The meeting rose at 1 p.m.

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Held at the Palais des Nations, Geneva,
on Monday, 13 January 1997, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Panama (continued)

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GE.97-15071 (E)

The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Panama (continued) (HRI/CORE/1/Add.14/Rev.1; CRC/C/8/Add.28; CRC/C/Q/PAN.1 (list of issues); written replies by the Government of Panama with no document symbol, in Spanish)

1. At the invitation of the Chairperson, the Panamanian delegation resumed its place at the Committee table.

2. Mrs. SARDENBERG said that there were four points on which she would like some further clarification: whether the Family Code (para. 57) was still under discussion in parliament or was already in force; whether the new legislation provided for a single specific body responsible for children's affairs; whether there were discrepancies between the official data and some informal data that indicated a more serious situation and, if so, whether there was a reliable statistical basis for the formulation of policies for children; and, lastly, whether the written replies had been formulated by a government agency or there had been an input from non-governmental organizations (NGOs) and other bodies.

3. Mr. HAMMARBERG said that, although the figure of 44 per cent of the current budget for child-related expenditures seemed high at first sight, it was not excessive when children made up 50 per cent of the total population. Moreover, as Mrs. Badran had pointed out, a percentage increase in a period of budgetary constraint might conceal a reduction in real terms.

4. Each country must decide for itself on the institution of an ombudsman for children. While there were undoubted benefits in such an arrangement, there was also a risk that a separate focus on children would mean that they received a lower priority. Children's problems must be addressed in the context of the family and society, although special steps were needed to compensate for their specific vulnerability. Perhaps the best approach was to look at the basic needs. For example, he would like to know whether children in Panama could file complaints and expect some response and whether there was any independent institution having an overview of the position of children in society and their support needs.

5. He wondered whether the members of the delegation, who were obviously key figures with respect to the implementation of the Convention in Panama, had studied the periodic reports of other countries and the Committee's discussion of them: there was much to be learned from such an exercise. In that connecton, it would be interesting to hear from the members of the delegation what their three major priorities would be for the implementation of the Convention.

6. Mrs. AROSEMENA DE TROITIÑO (Panama) said that, before deciding whether to establish a separate ombudsman for children, Panama wished to assess the effectiveness of the office of general ombudsman, which had been established in legislation but not yet in practice, as a means of protecting the human rights of the population as a whole. It was envisaged that the ombudsman would have the power to deal with children's affairs, and a specific provision

gave children access to his office. The first person appointed to the office would have to decide whether there should be any specific arrangement for dealing with children's complaints. The intention was to present to him the specific requirements of the protection of children's rights.

7. The Panamanian authorities had exchanged views on the topic with the authorities of El Salvador and Guatemala and had also met the Swedish Ombudsman. Mr. Hammarberg's comments were thus particularly welcome, because Panama was in the process of determining what arrangements would best guarantee children's rights.

8. The Family Code had been drafted in 1982-1985, but had not been approved by Parliament for another 11 years. The need for a legal instrument on children's affairs had become urgent in 1992 when Panama had acceded to the Convention on the Rights of the Child. The draft legislation previously produced did not, of course, take account of the provisions of the Convention. Consequently, although it incorporated the basic principles of the Convention, the Family Code did not satisfy the requirement of establishing an implementation machinery, though it did have a section on the participation of the State in the elaboration of policies for the family, providing that the best interests of the child should prevail in any conflict with its parents.

9. The Family Code also envisaged major changes in the structure of the juvenile justice system, introducing guarantees of due procedure and the right of appeal, as well as providing for specialized juvenile judges. One problem of the juvenile justice system was that it currently dealt both with children who were denied their rights and with children in conflict with the law. Moreover, the legislation even lacked a specific definition of the minimum age of criminal liability.

10. Before the adoption of the Family Code, there had been no specific legislation on children's rights in Panama, and it was to be hoped that the enabling legislation to put the Code into effect would be adopted in the near future.

11. In response to Mr. Hammarberg's request for her to name three priority problems requiring immediate attention, she would first cite the lack of awareness on the part of civil society of the commitment represented by Panama's accession to the Convention. A great effort would be needed to change cultural attitudes which relegated children to a lowly position, for which personnel trained in the requirements of the Convention would be needed.

12. The second problem was the general economic situation and the fact that the budget made no specific provision for the requirements of children. The United Nations Children's Fund (UNICEF) had identified the need for a methodology to enable the planning services to focus social spending on children. Some progress had been made in that area: for example, the juvenile justice system had received increased funds for the current year, which would be channelled towards the most vulnerable groups.

13. Thirdly, there was a need to increase the effective participation of children in social life. No such right had ever been recognized in Panama before and its exercise would be no easy matter. However, the "mini-summits"

on children's affairs held in several parts of the country had produced some recommendations that were being taken into account. In the education system, for example, curricula were being revised with a view to increasing the participation of children and ensuring that their views were heeded.

14. Mrs. GRAHAM DE SAMPSON (Panama) said that the enactment of legislation on children was still at an initial stage: a working group was studying the national situation. The Panamanian authorities were convinced that legislation could not just be copied from other countries but had to be tailored to the national situation and meet the national needs. UNICEF was supplying technical support for the study.

15. There was, in fact, no specific institution in Panama for the formulation of social policy. Policies were devised separately by each ministry and were then coordinated in the Social Cabinet, which was also responsible for monitoring their implementation. The National Council on the Family and Children, an independent body consisting of representatives of the Government and of civil society, also performed an advisory and coordination function with respect to social policies.

16. With respect to the question about discrepancies in the statistical data, she was able to confirm that the data presented in the report were provided by the Central Government Information Office, but some of them might have originally emanated from private bodies, as was the case in many countries. For the formulation of decisions and policies, only data provided by the Office of Statistics and Censuses was used. As her delegation had stated at the previous meeting, Panama had no institution specifically responsible for the statistical study of children's problems. The authorities were anxious to establish such an institution, precisely in order to have accurate data to help resolve children's problems.

17. As for the preparation of the written replies, the list of issues had unfortunately not been received until 18 December 1996, so that it had been very difficult to obtain full answers to all the questions in time. All relevant governmental and non-governmental bodies had, however, been requested to provide information for use as the basis for the replies. If more time had been available, the replies could have provided a fuller picture of the situation.

18. The figure of 44 per cent of the 1997 budget represented total social expenditure. An attempt had been made to persuade the Ministry of Planning and Economic Policy to provide a breakdown of the figure by recipient population, but to no avail. She hoped that, in the next periodic report, it would be possible to give specific figures of the budgetary allocations for children's needs.

19. The CHAIRPERSON invited the delegation of Panama to summarize briefly the information contained in the written replies relating to the sections in the list of issues (CRC/C/Q/PAN.1) entitled "Definition of the child" and "General principles" respectively.

20. Mrs. AROSEMENA DE TROITIÑO (Panama) said that article 34 of the Civil Code defined the various stages of physical and psychological development in

children in order to determine the legal age for certain capacities. According to the Family Code, however, a child was any person from conception until the age of 18. That represented a significant advance on previous legislation and was fully in line with the provisions of the Convention.

21. The Family Code did not permit the marriage of persons under 18 years of age without parental consent. A marriage could take place between a girl aged 14 or over and a boy aged 16 or more, with parental authorization, but was subject to certain restrictions with regard to monetary commitments. If the union remained intact, the restrictions were lifted upon attainment of the age of majority. Such marriages resulted in legal emancipation which was, however, subject to the limitations governing the protection of minors laid down in the Family Code.

22. Children aged 14 and above were allowed to work, provided that their right to education was protected through inter alia shorter working hours. The Administrative Code referred to seven years as the age of absolute criminal liability but that provision was no longer applicable in the light of the Family Code, although the Code contained no specific provision on the matter.

23. Children aged between 14 and 18 who were the victims of rape or seduction could not be regarded as having given their consent, in accordance with the legislation in force. Sexual relations with minors under the age of 14 were always treated as rape, even in the absence of violence.

24. In cases of adoption, there was specific legislation providing that the views of children aged seven years or over must be heard.

25. In judicial proceedings, children aged between 7 and 14 could not make a deposition or act as witnesses without the presence of a guardian. Although children over the age of 14 could act on their own behalf, their questioning must be strictly supervised by a judge.

26. There was no specific legal provision enabling children to seek redress in a court of law. None the less, since persons over the age of 14 were entitled to work and could seek compensation for grievances suffered in labour tribunals, it should, by analogy, be possible for them to seek redress in other situations.

27. Access to medical treatment without parental consent was not specifically provided for under Panamanian legislation. According to the Family Code, any administrative, medical or educational authority that had cognizance of or suspected the abuse or maltreatment of a child could request medical examination or treatment against the parents' will, if the health of the child was deemed to be in jeopardy.

28. As for the issues arising under General principles, there were various pieces of legislation including the Family Code, the Labour Code, the Education Organization Act and the Domestic Violence Act which covered different situations with the aim of preventing all forms of discrimination.

29. Of the measures adopted to ensure respect for the rights enshrined in the Convention, she wished to highlight the steps being taken to enforce the provisions of the Labour Code. The Ministry of Labour, in cooperation with the International Programme for the Elimination of Child Labour (IPEC), was monitoring the situation of working children in rural areas to ensure that the Labour Code was respected. Child labour in the free-trade zones was illegal. The Panamanian Special Training Institute provided care for the disabled which was aimed at ensuring their integration into the community and the labour market. There were also special health programmes to improve the general health of children, especially those under the age of five, living in rural areas.

30. Children in conflict with the law were guaranteed due process and other relevant safeguards by the Family Code. However, greater provision needed to be made for legal aid for children whose problems had to be settled in a court of law. There was general recognition of the increasingly important role played by NGOs in defending children's rights and many such organizations were actively involved in initiatives launched by the National Council on the Family and Children. Apart from medical and social workers, child-care centres also had family counsellors, who helped to resolve children's problems by acting as mediators. More family counsellors were needed to meet the rising demand for support resulting, inter alia, from the heightened expectations of society owing to the entry into force of the Family Code.

31. There was specific legislation to protect the disabled against discrimination. The Panamanian National Training Institute had been established in 1951 and the relevant legislation had recently been amended to encourage the participation of the disabled in the labour force through tax concessions for employers. The Family Code recognized the equal rights of the disabled and called for the provision of special health, recreation and training facilities. Under article 520 of the Code any person who violated those rights was liable to penal sanctions. Following an amendment to the Education Organization Act, disabled children would soon be able to attend normal preschool establishments.

32. Under the Constitution and legislation dating from 1946, no discrimination was permitted against children born out of wedlock. All children were equal before the law, including for the purposes of affiliation and adoption.

33. The legislation regulating adoption referred to in the initial report (CRC/C/8/Add.28) had been superseded by provisions of the Family Code, which laid down the safeguards, procedures and formalities required for legal adoption. Adoption was a binding commitment and could be declared null and void if the procedures had not been fully complied with. Adoptive parents were vested with the same rights, duties and parental authority as biological parents. The existence of appropriate follow-up procedures ensured that the best interests of the adopted child were taken into account.

34. A number of steps had been taken to protect the indigenous population against discrimination. In the health sector, projects funded by the World Bank were under way to improve levels of nutrition, immunization and sanitation in the rural areas. Priority was also being given to providing

adequate health care for the high-risk groups in the population. The necessary resources had been set aside for such projects in the national budget. In the education sector, efforts were being made by the Government, in cooperation with the World Bank, to prepare an alphabet for the languages of the indigenous people.

35. A social emergency fund, had been set up in 1992 to provide safe drinking water and primary health care for the population groups most in need including the, mainly indigenous, rural population. There was a further project to target four of the poorest districts in the country. Details of such initiatives had not, unfortunately, been included in the initial report (CRC/C/8/Add.28), which thus did not accurately reflect developments in Panama between 1992 and 1995.

36. The CHAIRPERSON said that, although the Committee was most grateful for the detailed information being provided, it was subject to time constraints and its members needed the opportunity to make comments and ask questions. She hoped that five more minutes would be sufficient to allow the delegation to complete its summary of the written replies concerning general principles.

37. Mrs. AROSEMENA DE TROITIÑO (Panama) said she would limit herself to a few examples of the manner in which the best interests of the child were currently taken into account in Panama. Where there was a legal conflict between the parents and the child, the judge was obliged according to the Family Code to take the best interests of the child into consideration when giving his verdict. In the event of a divorce or de facto separation, arrangements for the maintenance and custody of the child must be settled in his or her favour. Under a special provision of the Constitution, where a marriage was dissolved, the property and assets involved must remain with the parent responsible for supporting the child. In the case of adoption, the obligation to change a child's name could be waived where it was deemed to be in his best interest. Moreover, children over the age of seven were considered capable of forming their own judgement and their views must be heard in matters of adoption.

38. There were plans afoot for children's "mini-summits" during which children would have an opportunity to voice their opinions and make statements which must be taken into consideration by government institutions in the definition of the policies affecting them.

39. Mrs. SANTOS PAIS said she was concerned that, in spite of recent amendments to legislation, there was still a distinction between the age at which girls and boys could enter into marriage. She wondered what justification there was for that distinction, which ran counter to the provisions of the Convention and to the Constitution of Panama, according to which there should be no discrimination on the grounds of sex. Furthermore, such legislation merely perpetuated the problem of the prevalence of early pregnancies highlighted in the report. The only solution would seem to be an amendment to the relevant legislation, which she would welcome.

40. She would like some clarification regarding the provisions of the Labour Code on the employment of children. While 14 seemed to be the normal minimum age at which children could engage in work, she was concerned about the

exceptions permitted, for children to perform agricultural work or domestic service, apparently on condition that their school attendance was guaranteed. It was not at all clear to her how working hours and school attendance could be reconciled.

41. In view of the fact that there was no minimum age for criminal liability, she would like to know how the authorities reacted to children who committed acts contravening the criminal law. She noted that, in cases of corruption and indecent acts, the Criminal Code regarded children as victims up to the age of 18 whereas, in cases of rape and seduction, the age was 14. With a view to the protection of children in the spirit of the Convention, the latter age should surely be 18 also.

42. Lastly, she would like to know how Panama's legislative framework actually reflected the general principles set forth in the Convention and whether it would be necessary to apply the Convention directly in order to fill any legal gaps.

43. Mr. MOMBESHORA said that, while the definition of the child set forth in the Family Code was in accordance with the Convention, the definition contained in article 34 (a) of the Civil Code (para. 64 of the initial report) seemed to imply that persons over seven years of age were no longer children. Moreover, the different ages at which boys and girls were defined as pre-adolescents in the same article appeared to be discriminatory. The article should be redrafted, by analogy with article 125 of the Constitution, to read: "All Panamanians under 18 years of age, without distinction as to sex, shall be considered children."

44. To protect children from the attentions of unscrupulous medical practitioners, the Panamanian authorities should consider introducing a minimum age below which children were not permitted to consult a doctor without parental consent.

45. He would like to know what penalty was prescribed for persons having sexual relations with a girl under 12 years of age and whether there was any legal provision to cover sexual offences involving young boys.

46. Were there any special programmes to make indigenous children and children in rural areas aware of their rights, and did such persons have means of complaining to the authorities if they believed themselves to be victims of discrimination?

47. Mr. HAMMARBERG said he presumed that the exception whereby girls under the age of 14 and boys under the age of 16 could marry with parental consent was aimed at cases where the girl had become pregnant. Nevertheless, the provision might well send children the misleading signal that sexual relations, pregnancy and early marriage were socially acceptable. It also raised the question of the age disparity between boys and girls in that regard, and of the danger of young girls being pressurized into marriage.

48. Noting that the recent trend was to integrate disabled children into schools and the community rather than to relegate them to institutions, he asked if there were any measures in Panama to promote such integration.

49. While measures were needed to assist ethnic minorities, there was always the danger that such affirmative action might be perceived, and resented, by the majority as "positive discrimination". What steps were being taken to dispel any such perception? What was being done to ensure that participation by children, and particularly by children belonging to minority groups, was more than a mere token gesture in the school system?

50. Mrs. SARDENBERG said that the documentation revealed striking disparities between different regions of the country and between different population groups. She would thus like to hear the delegation's assessment of the actual, rather than theoretical, situation with regard to discrimination in Panamanian society and whether discrimination was a clear-cut issue or assumed covert forms. The Convention could be a potent political tool to assist in bringing about changes, not just in legislation, but also in attitudes.

51. Mrs. BADRAN asked whether anything was being done to eliminate discrimination against the girl child in the context of the Platform for Action of the Fourth World Conference on Women and whether the World Bank project which the delegation had mentioned provided preschool education for children belonging to disadvantaged groups.

52. Miss MASON asked how, in practical terms, the system of "mini-summits" in rural areas was to be implemented. In connection with the disparity between the minimum ages at which boys and girls could be married, she would like to know whether the Family Code recognized traditional cultural marriage rites as equivalent to civil rites. If emancipation did not imply a lack of protection for the minor, how was that protection ensured? Lastly, what was considered to be a sufficient age to allow children to form their own judgement in matters other than adoption; and by whom, and with reference to what criteria, was that age determined?

53. Mrs. KARP said she would welcome fuller information on programmes and policies reflecting the Government's acknowledgement of the existence of de facto discrimination in Panamanian society. In that regard, she suggested that the fuller data promised for future reports should be disaggregated by sector and by geographical area so as to reveal whether disadvantaged groups were being effectively targeted.

54. She was less concerned about the discrepancies between the minimum permitted marriage ages for boys and for girls than about the harmful consequences of early marriage as such. Early marriage should be authorized, if at all, not by the parents but by a court or some other authority.

55. She also wished to know whether any services existed to provide counselling to adolescents who did not wish to seek parental guidance on issues such as sex and drugs. Was sex education compulsory and, if not, was it to be included in the new curriculum? Lastly, was there any mechanism to ensure that the employers of children aged between 12 and 14 complied with the requirement that such children must also attend school?

56. Mr. KOLOSOV said that children's survival and development could not be secured in the absence of adequate housing. That, of course, posed a

budgetary problem. Since, however, Panama had no armed forces and derived income from the exploitation of the Panama Canal, the budgetary resources should be available. He wished to know, therefore, what proportion of the national budget was earmarked for improving housing conditions?

57. Mrs. GRAHAM DE SAMPSON (Panama) said that she had noted the Committee's concern about the minimum age for marriage. The basic principle applied was that children under the age of 18 were not permitted to marry. However, the legislators had had to recognize the unfortunate fact that many children, in rural areas in particular, terminated their education on completion of primary school, at which point they were then regarded as marriageable. The disparity between the minimum ages at which boys and girls were permitted to marry merely acknowledged the biological fact that girls generally reached puberty at an earlier age than boys. Authorization for early marriage was granted either by the parents or by the guardian or person vested with parental authority.

58. On the minimum age for employment, a discrepancy existed, not between the provisions of the Constitution and those of the Labour Code, but between national legislation and the provisions of the International Labour Organization's Minimum Age Convention, 1973 (No. 138), which stipulated a minimum age of 15. The reason why Panama had not ratified that Convention was precisely because its provisions conflicted with domestic legislation. Consideration was, however, being given to bringing that legislation into line with the ILO standards.

59. In addition to the measures already enumerated, the Ministry of Labour and Social Welfare had established inspection units to ensure compliance with the restrictions on employment of children imposed by the Labour Code, which provided, inter alia, for a six-hour working day and attendance at school by working children, and which prohibited the employment of children in unhealthy or dangerous activities.

60. The "mini-summits" programme would be continued on a nationwide basis, as it had proved extremely effective in raising awareness of the rights and obligations set forth in the Convention and ensuring that children were active participants in, rather than passive observers of, the process.

61. A National Women's Council had been established, within the Ministry of Labour and Social Welfare, to follow up the commitments entered into by Panama at the Fourth World Conference on Women. It drew its membership from a broad cross-section of society and had launched a campaign to spread awareness of its aims nationwide. The Ministry of Education was currently revising school textbooks with a view to purging them of sexist language.

62. Sexual education was currently dealt with under various subjects of the curriculum, such as science and civic and religious education. She believed that it would be included as a separate subject in the new curriculum. She did not think that the Family Code actively encouraged early marriage. The purpose of the relevant provisions of the Code was to ensure that adolescents finding themselves in a situation of early marriage were not deprived of educational opportunities.

63. Mortality-rate indicators and percentages with a breakdown according to age group, together with other information would be sent to the Committee to demonstrate how the situation had improved in Panama in that respect.

64. The disparity between rural and urban areas had decreased in recent years, in terms of housing for example. The problem of the integration of indigenous groups had also been eased significantly by involving them in various programmes and policies dealing specifically with their problems. They had a voice in parliament and representatives who ensured that the laws relating to indigenous populations were implemented.

65. The income from the Panama Canal was divided among the various governmental programmes but, in recent years, particular attention had been paid to improving the housing stock and overcoming the housing shortage. More information on that subject would be provided at a later date.

66. Mrs. AROSEMENA DE TROITIÑO (Panama) said, with regard to the age of consent, the minimum age for marriage and the need for due and harmonized legal protection of children under the age of 18, that the concerns of the Committee had been noted and would be passed on.

67. As for the protection of children's rights after the age of emancipation - in the case of early pregnancies for instance, the original text of the Family Code had been amended to provide for the continuing rights of the young mother. She would not be regarded as emancipated simply because she had had a child.

68. The right of a child to express his or her opinions was not explicitly provided for in legislation to date. In practice, judges, particularly those dealing with minors, listened to the children's views in situations affecting them.

69. Again, there was no specific provision stipulating the age at which a child could seek a medical examination without the consent of the parent or guardian, but there was nothing to prevent a child from seeking medical advice in practice. Children could complain to the authorities of abuse. It was then up to those authorities to begin proceedings.

70. On the question of statistics, there were various studies which gave a clear idea of the disparity between urban and rural areas and helped the Government to identify the poorest areas and most vulnerable groups for the purpose of targeting its action plans and budgetary allocations.

71. Mrs. KARP asked whether young girls could seek an abortion and if so, whether they needed their parents' consent. She also asked whether police units that dealt with children's complaints existed outside the capital.

72. Mrs. EUFEMIO asked at what age a child could join the police force; consume alcohol; be given access to information on his or her biological family in cases of adoption; and change his or her family name and identity. She also inquired whether Panama was planning to re-establish armed forces.

73. Mr. HAMMARBERG asked how article 3 of the Convention on the best interests of the child was interpreted in Panama and integrated into the decision-making processes.

74. Mrs. GRAHAM DE SAMPSON (Panama) said that abortion was categorically prohibited in all circumstances and at any age.

75. There were no proposals to reintroduce armed forces in Panama. The police force could not recruit anyone below the age of 18 years. The special Children's Police (policia de menores) set up under the Family Code, which could receive complaints from children, was based in the capital. However, a child could go to any police station throughout the country to lodge a complaint which would then be submitted to the competent authorities.

76. There were no legislative provisions permitting the consumption of alcohol by minors. Under the Family Code, a child found to be consuming alcohol or drugs was sent immediately for treatment. He or she had to continue his or her education while undergoing treatment and would subsequently be monitored.

77. There was no age at which an adopted child could have access to information on his or her biological family. Under the system of definitive adoption, contained in the Family Code, the adoptive parents assumed full responsibility for the child. The Civil Register recorded the new information pertaining to the adoption and discarded the previous information. There was a provision for changing one's name but only once the age of majority had been reached. The parents or guardians could apply for a child's name to be changed on the basis of use or custom. However, that did not imply any change of identity.

78. Mrs. AROSEMENA DE TROITIÑO (Panama) said that Panama made every effort to keep the best interests of the child as the focal point of all activities and measures, institutions and authorities that had any bearing of the lives and rights of children.

79. The judicial authorities sought, on a case by case basis, to determine, where there was any doubt, whether a child should remain under the authority of his or her parents or guardians. Where necessary, a judge could suspend their authority in the best interests of the child. If needed, family therapy was provided. Children could be placed in the care of the State in institutions or in homes which were strictly monitored, again to ensure that the best interests of the child were respected.

80. The CHAIRPERSON invited the delegation of Panama to reply to the questions in the section entitled "Civil rights and freedoms".

81. Mrs. GRAHAM DE SAMPSON (Panama) said that a child had to be registered within 15 calendar days of birth. However, special arrangements had been made to cover cases where the child had not been registered or it was difficult to register a birth for one reason or another. For example, auxiliary registrars operated in remote areas where it might be difficult to reach an official

registry office, often with the mayor acting as the registration officer. There were annual refresher courses for registry officials to keep them abreast of new processes and techniques.

82. To avoid stigmatization of or discrimination against children born out of wedlock, the mother's maiden name was recorded as the child's surname. The child faced no discrimination later in life in the education system and his or her inheritance rights were not affected.

83. The Constitution set forth the rights of all citizens, including children, to freedom of expression. The only restrictions were those relating to damage to the rights or integrity of others.

84. Article 25 of the Constitution provided for the right of freedom of religion, the only condition being that, in the exercise of one's faith, due respect should be given to Christian morals and to public order.

85. Children's associations were usually centred on health, education, sports and cultural activities. Support was provided by international organizations, including the United Nations Population Fund (UNFPA). The calendar of events targeting children and children's issues included workshops, seminars and radio broadcasts.

86. Under the Family Code, educational authorities were legally required to report all suspected cases of child abuse or neglect. Failure to do so would result in a prosecution for complicity. Any form of child abuse, including abuse in a domestic context, was treated as a criminal offence. A national monitoring network had been established to ensure that the legislation was respected.

87. NGOs had provided assistance in setting up a federation of associations dealing with children. The federation was responsible for defending children and provided effective monitoring procedures.

88. Any complaints of torture or other cruel, inhuman or degrading treatment or punishment made to persons in authority - such as doctors or teachers - were treated as confidential. The persons in authority were legally obliged to report all cases of such treatment, whether known or suspected. A failure to do so would result in a prosecution for complicity. Other independent mechanisms such as the National Council on the Family and Children were also available to deal with cases of suspected ill-treatment of children.

The meeting rose at 6.10 p.m